

ORIGINAL

SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL PUBLIC MEETING

September 29, 1995
Seventh Day Adventist Church
Craig, Alaska

VOLUME 2

COUNCIL MEMBERS PRESENT:

Chairman Bill Thomas	Dolly Garza
Mary Rudolph	Mim
Marilyn Wilson	John Feller
Patricia Phillips	Lonnie Anderson
Vicki Le Cornu	

Robinson

MEMBERS OF FEDERAL OR STATE AGENCIES:

Fred Clark, Coordinator	Steve Hoffman
Bill Knauer	Sandy Rabinowitch
Dale Kanen	Ken Thompson
Cheri Ford	Larry Roberts
Jim Capra	Ted Schenk
Bob Vaught	Guy Cellier
Michael Turek	Dave Johnson
Doug Larsen	

MEMBERS OF THE PUBLIC WHO TESTIFIED:

Paul Kelley	John Foss
Irene Guthrie	Paul Wilson
Mike Galgainitis	Victor Burgess
A. Millie Stevens	

PROCEEDINGS
SEPTEMBER 29, 1995

(Tape: 2)
(3460)

(On record - 8:54 a.m.)

CHAIRMAN THOMAS: Well, I know that many of you when you left here last night, after a nourishing dinner, had an invigorating meeting for dessert. And I, for one, want to express my appreciation for Mim leading that charge and also for the people I see that participated. There was the Forest Service, Fish and Game and SeAk. I think that made for good chemistry. And not only that, I think you probably left there with a much better understanding of perspectives from whichever agency or members of the council and I think it was a healthy meeting and I just want to applaud the way that you folks put that altogether so fast. And again, thank you for doing that.

I had talked to Dolly and I said, "Well, all we got to do is endorse the letter" but she suggested that we'd probably better review it and I guess when it left the meeting, that you guys said it was a draft, subject to some adjustment. And in saying that, I happened to find a couple that I'm not going to insist that they appear but I'm just going to point out some of my observations.

On the first sentence, I'm not sure that the word "strongly" enhances the point. I think if I was going to submit this letter, I'd probably wouldn't use the word, "strongly."

MS. ROBINSON: Just "supports"?

CHAIRMAN THOMAS: Yeah. Just "supports." Yeah.

MS. ROBINSON: Okay. Sounds good.

CHAIRMAN THOMAS: And in the next to last paragraph where it says, "the Congressionally mandated auspice (ph)" I think I would have that to read "The Congress mandated auspice (ph)." I would probably not use the word, "Congressionally."

MS. ROBINSON: Okay.

CHAIRMAN THOMAS: And that's all I had. I think this reflected the positions of the people that were at

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1 this meeting, the people that are involved with this
2 process. I -- I just don't have enough good to say
3 about it, but other people, I know, have adjustments to
4 consider and I will ask those to be brought out at this
5 time. Anybody else?
6

7 MS. ROBINSON: To me, it's rough. It still needs
8 -- the work group really needs to work on this a little
9 more just to kind of fine tune it, I think. Do you
10 guys agree with me on that? It just -- rather than
11 take the time during this...
12

13 CHAIRMAN THOMAS: I considered one thing briefly
14 and I wasn't going to mention it but you can dispel it
15 if you like. I think -- now, I probably would have
16 made some mention of the action that we recognize that
17 they're doing rather than saying that -- and don't
18 change it. "We oppose any attempts by Congress to
19 circumvent the public process." Leave that in there,
20 but refer to something that led us to say that.
21

22 MS. ROBINSON: That's why I'm saying this is
23 rough. It needs like your idea there and it's just --
24 trying to get a lot of ideas out last night. We got
25 tired.
26

27 CHAIRMAN THOMAS: It's a good draft.
28

29 MS. ROBINSON: But we do need to work on it some
30 more and really think about it a little bit today and
31 maybe we can meet again tonight?
32

33 CHAIRMAN THOMAS: Dolly.
34

35 MS. GARZA: Yeah, what we had talked about as the
36 process would be to bring it here, you know, to get
37 input. First of all there certainly was not a majority
38 last night of council members and so we're not sure
39 that this reflects the majority or the consensus of
40 this council. That would be good to know as a starter
41 if this is how we all believe.
42

43 CHAIRMAN THOMAS: Sure.
44

45 MS. GARZA: And secondly, you know, we did get
46 tired and I think there are a couple of other points
47 that we need to bring up.
48

49 MS. ROBINSON: Right. Right.
50

51 MS. GARZA: One was the use of science and the

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1 ability to amend the TIMP as necessary which was also
2 one of the attempts to eliminate. But, you know, I
3 mean we worked at sentences, but we also knew that this
4 could be torn apart and rewritten and so, you know,
5 we're not committed to this language.

6
7 MS. ROBINSON: There's nothing here we cherish.
8 I mean it -- whatever is necessary to make a good
9 letter out of this.

10
11 CHAIRMAN THOMAS: Okay. Speaking -- that's a
12 good point about the majority of the council. Dewey is
13 in the middle of Klawock Heenya business. He's the
14 president. He's a candidate for elections which occur
15 tomorrow and he'll be here as much as he can but he's
16 got to cover those bases as well. So, for the time,
17 he's gone from this meeting. Let the record show that
18 he's been excused for those reasons. And other than
19 that, I think everybody that was here yesterday is
20 here. Mim. Oh, Vickie's...

21
22 MS. ROBINSON: Lonnie's not here either.

23
24 CHAIRMAN THOMAS: Oh, Lonnie.

25
26 MS. ROBINSON: What I was thinking is...

27
28 MS. GARZA: There they are.

29
30 MS. ROBINSON: ...as the day progresses, we'll
31 see -- I mean maybe before we adjourn or recess
32 tonight, we'll set a time for getting together later
33 this evening to finish the draft on this and then
34 present it tomorrow morning.

35
36 CHAIRMAN THOMAS: Okay.

37
38 MS. ROBINSON: Sound good? And we'll pick a time
39 later on tonight.

40
41 CHAIRMAN THOMAS: I wouldn't be surprised that
42 when we get going on the proposals that you may not
43 have to wait until this evening to do that.

44
45 MS. ROBINSON: May have a chance during the day?

46
47 CHAIRMAN THOMAS: Yeah.

48
49 MS. ROBINSON: Okay. We'll keep our eyes open
50 for that.

51

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1 CHAIRMAN THOMAS: That's kind of my anticipation
2 at this time.
3
4 MS. ROBINSON: Okay. Okay. Sounds good to me.
5 Going to buy lunch?
6
7 MR. ANDERSON: Buying lunch.
8
9 MS. ROBINSON: Hey, Lonnie. Touché. (Laughter)
10
11 MR. ANDERSON: Can't run an office...
12
13 MS. ROBINSON: Excuses, excuses.
14
15 CHAIRMAN THOMAS: What are the wishes of the
16 committee? Did you want to continue input from
17 everybody in the room...
18
19 MS. ROBINSON: Now?
20
21 CHAIRMAN THOMAS: ...on this?
22
23 MS. ROBINSON: I'd like to maybe hear a few
24 comments about, you know, what people think about the
25 letter for right now. Just give us....
26
27 CHAIRMAN THOMAS: Did you want to confine that to
28 the council now or did you want to include everybody in
29 the room? I don't have any objections, either way.
30
31 MS. ROBINSON: Does everyone have copies of it?
32
33 MR. CLARK: I have copies here.
34
35 MS. ROBINSON: Okay. Why don't you go ahead and
36 pass it out. We might as well do that, I guess, just
37 to -- but not spend a whole lot of time tearing it
38 apart. Just a few rough ideas of directions. Mostly,
39 kind of what I'm looking for at this point, is what
40 we've missed, what we haven't put in here yet. We'll
41 fine tune the language later, but just the -- I'm
42 mostly looking for ideas that we didn't get in there or
43 maybe things that are erroneous or misleading or
44 something.
45
46 CHAIRMAN THOMAS: Who was all there from the
47 agencies last night? One, two.
48
49 MS. GARZA: Everybody. Oh, come on. There was
50 more than that.
51

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1 MS. ROBINSON: There was quite a few.
2
3 CHAIRMAN THOMAS: It's so bad you guys don't want
4 to own up to it or what? Yeah, yeah, yeah.
5
6 MS. ROBINSON: There was about five, -- six -- a
7 lot of people there.
8
9 CHAIRMAN THOMAS: Looks like a tag (ph) team
10 match.
11
12 MS. GARZA: Mr. Chairman.
13
14 CHAIRMAN THOMAS: Dolly.
15
16 MS. GARZA: I guess the first question I would
17 like to ask, at least, this body is whether or not we
18 support the second sentence because that is a major
19 sentence. Says whether or not we think there should
20 be a substantial reduction in the amount of timber made
21 available each year because that's one of the major
22 arguments is whether or not we continue logging as is
23 or whether or not we take ecosystem needs into account
24 and reduce. And I guess the only comments that I've
25 heard supported a reduction but I'm -- but I think that
26 that needs to be a clear decision of this body.
27
28 CHAIRMAN THOMAS: I think that's a good question
29 but...
30
31 MS. GARZA: In other words, we're off cue.
32
33 CHAIRMAN THOMAS: ...I think what I would do
34 while we're still representing the subsistence program,
35 I think we need to use a lot of points on habitat,
36 ecosystems, that kind of stuff, because a lot of the
37 (indiscernible - unclear) subsistence as subsistence
38 but ecosystems and habitats will have a greater
39 implication.
40
41 MS. PHILLIPS: Thank you, Mr. Chair.
42
43 CHAIRMAN THOMAS: Are we ecopeople?
44
45 MS. ROBINSON: You made a point, Bill.
46
47 MS. GARZA: She's the eco people.
48
49 MS. ROBINSON: Come up with a good sentence on
50 that today.
51

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1 CHAIRMAN THOMAS: Okay. Okay.
2
3 MS. ROBINSON: You and Patty can figure that one
4 out.
5
6 CHAIRMAN THOMAS: Us eco-ites will do that.
7
8 MS. WILSON: Mr. Chair.
9
10 CHAIRMAN THOMAS: Marilyn.
11
12 MS. WILSON: It seems like instead of putting
13 down what we are against or for, all of these will be
14 in the public review, the draft -- you know, all the
15 different alternatives and I was wondering if we would
16 have to do that. We could put our stance in, like Bill
17 said, the eco-system, how we want that to be in order
18 to sustain our subsistence resources. And seems like
19 the main thing of this letter also is to keep the
20 public review in there. But it doesn't seem like this
21 is the time to put down that we want the timber --
22 amount of timber harvest reduced because that will come
23 up in the public review.
24
25 MS. ROBINSON: Well, one -- if I can, Mr. Chair.
26 One reason why we have that in there is because of the
27 insistence that the timber harvest remain at the
28 Alternative P level which was higher than what the
29 Forest Service was going to be doing and so we don't
30 like, number one, that they're saying that that has to
31 be that way, period.
32
33 MS. WILSON: That's the one that they're trying
34 to pass in Congress, right?
35
36 MS. ROBINSON: Right.
37
38 MS. GARZA: On a fiscal bill.
39
40 MS. ROBINSON: Yeah. This is all dealing with
41 the fiscal bill.
42
43 MS. GARZA: That could pass in the next three
44 weeks. If we didn't have that particular bill or rider
45 to worry about, then you're correct. We would just
46 follow the correct process...
47
48 MS. WILSON: Oh, okay.
49
50 MS. GARZA: ...look at the alternates and then
51 ~~decide whether or not we can agree on what alternate or~~

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1 whether or not we would have to write individually.
2 So, we're attempting a quick response.

3
4 MS. ROBINSON: Right. Does that help clarify it
5 for you?

6
7 MS. WILSON: Yes, uh-huh.

8
9 MS. ROBINSON: Okay. And it may be that we need
10 to clarify that in that sentence, you know. Something
11 to think about.

12
13 CHAIRMAN THOMAS: Patty.

14
15 MS. PHILLIPS: It seems like at our Hoonah
16 meeting, we had discussed a subsistence LUD
17 designation.

18
19 MS. WILSON: LUD two.

20
21 MS. PHILLIPS: I don't know if we could include
22 that...

23
24 MS. ROBINSON: I think that first came up in
25 Juneau.

26
27 MS. PHILLIPS: Did it?

28
29 MS. ROBINSON: Yeah. Yeah.

30
31 MS. WILSON: The meeting I missed.

32
33 MS. ROBINSON: It was at the Centennial Building.
34 I remember that coming up there after SeAk's
35 presentations.

36
37 MS. PHILLIPS: Oh, that's right.

38
39 MR. CELLIER: Mr. Chair, can I comment on the...

40
41 CHAIRMAN THOMAS: Sure.

42
43 MR. CELLIER: ...subsistence LUD? The discussion
44 has gone around a number of times before I came and
45 we've had one go-around this year as well and the
46 problem with designating specific areas to
47 subsistence...

48
49 COURT REPORTER: It would be better if you would
50 come up to a microphone. Easier for me. Thank you.
51

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1 MR. CELLIER: Guy Cellier from Forest Service.
2 Mr. Chairman, we've had had discussions on a subsis-
3 tence LUD but what it does, in essence, is restrict the
4 area where subsistence can be harvested. It can work.
5 It's difficult to really predict exactly what will
6 happen but it can work to restrict the areas and it, in
7 effect, can limit subsistence to these areas and then
8 eliminate subsistence from all kinds of other areas
9 where you might now have timber harvest. That's the
10 dilemma you find yourself in and our feeling is that if
11 you have adequate standards and guides that protect the
12 rights of subsistence users across the whole forest,
13 that is better serving the cause of subsistence. But
14 it's still a debate that I think will continue and be
15 raised again.

16
17 TLMP is not a finite animal. It will continue
18 and I think that is one of the debates that I think we
19 probably need to revisit and discuss again. 'Cause I'm
20 not clear in my own mind but that's my instinct that
21 we'd do better for subsistence on the -- under this
22 present system.

23
24 CHAIRMAN THOMAS: Okay. Vicki.

25
26 MS. LE CORNU: Mr. Chairman, I have no problem
27 with that line in there because the way I see it, any
28 amount of timber harvest is negatively impacting
29 subsistence. That's the way I see it. I have no
30 problem with that.

31
32 CHAIRMAN THOMAS: Go ahead, Dolly.

33
34 MS. GARZA: I guess I have a question and I'm not
35 sure who could answer it but in regards to that rider,
36 I wasn't sure if we should hit some of the major points
37 in it such as the sound science and the -- what was the
38 other phrase that they used? The perpetuity...

39
40 MS. ROBINSON: Use of the sound science, use of
41 the public process and reasonable conservation and
42 sustainability of all resources.

43
44 MS. GARZA: Right. But my question is, is it in
45 terms of how Congress works, if it goes down, does it
46 all go down and we only need to hit on one particular
47 point or focus on -- if we only focused on the lack of
48 public process, could that be enough for them to
49 realize that Senator Stevens is obviously not repre-
50 senting our interest or do we have to go by line by
51 line because it may be more powerful if we just focused

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1 on one or two areas and went into detail rather than
2 try to hit everything in it. I'm not sure.
3
4 MS. ROBINSON: Can -- I'm assuming that the
5 Appropriations Bill can be amended or changed at this
6 point? I mean that's why we're bothering to take the
7 time to do this, right? I mean they can actually
8 change some things that they have written in there?
9
10 CHAIRMAN THOMAS: Bob.
11
12 (Court Reporter directs Mr. Vaught to mike.)
13
14 MS. GARZA: She's keeping you guys in line.
15
16 MS. ROBINSON: Crack that whip.
17
18 MR. VAUGHT: My understanding of how the process
19 works -- and I request assistance from anybody that
20 knows more about this than I do -- is that the bill is
21 passed by the House, then it is passed by the Senate,
22 then it goes to conference committee. Then -- and that
23 has all happened. Then it must be voted again by both
24 the House and the Senate and that will probably happen
25 today. And then it goes to the President. And the
26 President can either sign the whole thing or not sign
27 it at all. It's all or nothing.
28
29 MS. ROBINSON: Okay. This is what you were
30 talking about yesterday.
31
32 MR. VAUGHT: Yes. And should the President
33 decide to not sign it or to veto it, then it would go
34 back and the whole process would essentially begin all
35 over again -- well, actually, let me not say that. It
36 would go back and there would probably be an attempt to
37 override the veto. If that was unsuccessful, then the
38 whole process would have to start over again and there
39 would have to be amendments to the whole bill.
40
41 MS. GARZA: What happened to the line item veto
42 capability? I mean can't he just line item veto this
43 section?
44
45 MR. VAUGHT: No.
46
47 MS. GARZA: Is that only fiscal?
48
49 MR. VAUGHT: There's no possibility under current
50 practices to line item any -- or to veto any particular
51 part of it. It's all or none.

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1
2 MS. LE CORNU: Mr. Chair, I have a question.
3 There was something that happened yesterday in the
4 Ninth Circuit regarding that suit against -- I think
5 the Forest Service?
6

7 MR. TUREK: Yeah, I heard this morning over the
8 radio that the Recision Bill -- the Ninth Circuit found
9 it unconstitutional.
10

11 MS. ROBINSON: Really. Wow.
12

13 MR. TUREK: So Stevens' Recision Bill was found
14 unconstitutional by the Ninth Circuit.
15

16 UNIDENTIFIED: Way to go.
17

18 MR. TUREK: Congress doesn't have the right to do
19 that.
20

21 MS. LE CORNU: No, their whole intent isn't shown
22 in there. But it isn't shown in ANILCA, for instance.
23 So that was my point yesterday that, you know, that the
24 Forest Service doesn't have any trust responsibility to
25 uphold for us here. We have to do that in a letter or
26 something.
27

28 MR. VAUGHT: So, Mr President [sic], it is
29 somewhat difficult to see how this letter would
30 specifically be used. But it would certainly have the
31 effect of presenting your viewpoint, regardless of what
32 happens which may be a long convoluted political
33 process. We don't know.
34

35 CHAIRMAN THOMAS: Well, it sure is not going to
36 hurt the record any. Thank you. Mim.
37

38 MS. ROBINSON: So, to deal with Dolly's question
39 there, it seems to me that the main thing we have to
40 deal with at this time is the public process, how it's
41 being thwarted. And I think that should be the major
42 thrust of how that affects the subsistence lifestyle
43 and because nothing can be line item vetoed. Then with
44 that Recision Bill being found unconstitutional or
45 whatever, then that puts us back to the point where --
46 back to where we were a year ago, basically, I guess,
47 with the plan, the revision. Can someone help me with
48 that whole train of thought? How would that affect
49 what we're doing here now?
50

51 MR. TUREK: Well, I think that's the reason why

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1 Stevens wanted to address it through the budget 'cause
 2 he probably knew that...
 3

4 MS. ROBINSON: He probably knew it was going to
 5 be a bad decision on it, yeah. Okay.
 6

7 MR. TUREK: So, that's why he wants to address it
 8 through the budget because that way, it can't go into
 9 court.
 10

11 MS. ROBINSON: Okay. So this is still part of
 12 the appropriations package.
 13

14 MR. TUREK: Right. '96 Appropriations.
 15

16 MS. ROBINSON: So, it seems to me we just really
 17 need to hit it hard. This needs to go to the President
 18 is where it really needs to go.
 19

20 MR. NEWHOUSE: I agree with that. That may well
 21 be.
 22

23 MS. ROBINSON: Yeah, it's pointless to send it to
 24 Stevens.
 25

26 MS. GARZA: Okay. So, I'm totally confused then.
 27 If the Recision Bill was struck down yesterday, that
 28 is a separate bill from this rider?
 29

30 MR. TUREK: Right. 'Cause primarily what that
 31 Recision Bill is going to do is -- what the court
 32 struck down was that the timber sales that were going
 33 to APC will now have to -- cannot be sold under the old
 34 NEPA -- under the old EISes like Stevens wanted. And
 35 the courts said no, they have to go through the EIS
 36 process. The mill is closed down. You just can't take
 37 and sell those sales -- give those sales to anybody
 38 else. You have to go through the whole process all
 39 over again.
 40

41 MS. GARZA: Okay. So, is that also...
 42

43 MS. LE CORNU: Well, they also said -- they also
 44 said on there that you can't override the intent of
 45 Congress by a bill on the budget. That's not -- that
 46 doesn't show the intent of Congress to protect you and
 47 I.
 48

49 MR. TUREK: ...specifically address ANILCA. I
 50 think you're getting over your head there because that
 51 ~~is similar to NEPA. That's law that you can't~~

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1 override.
2
3 MR. NEWHOUSE: A recommendation there would be to
4 see if you can actually get the exact language of what
5 the court (indiscernible - away from mike) possibility
6 that that could be here either by fax or by E-mail some
7 time today so that the council would have that to use
8 to help draft whatever they're doing because what we're
9 doing here is second, third-party hearsay. And we'd
10 actually have the language and perhaps, somebody can
11 contact our Office of General Counsel and find out what
12 is so there.
13
14 MS. ROBINSON: Sounds like a good idea.
15
16 CHAIRMAN THOMAS: So, we're going to change the
17 salutation from "Dear Ted" to "Dear Bill"?
18
19 MS. ROBINSON: I think so. Sounds to me like
20 that's who it needs to go to. Want him to veto it.
21
22 MR. KNAUER: Mr. Chairman, the President has
23 indicated that he would be vetoing the Appropriations
24 Bill for a number of reasons so if that is the case,
25 this would be going back to Congress and the committees
26 for revision. You may be wise to send it to the
27 Congressional committee that would be working on the
28 next version. That way, you've got it at the ground
29 level where it could possibly have a greater effect.
30
31 MS. GARZA: I also...
32
33 CHAIRMAN THOMAS: ...doing that, we can always
34 ask our Congressional delegation.
35
36 MS. GARZA: I think it should still go to
37 Stevens, even though it won't sway him. It certainly
38 would be the proper process and I think that although
39 this is not the kind of action I'm think I'm used to
40 seeing him take, I think that we still need to be
41 proper in the action that we follow.
42
43 MS. ROBINSON: With a copy to the President?
44
45 MS. GARZA: And the committee. In other words,
46 he'll say he didn't have anything addressed to him.
47
48 MS. ROBINSON: We are coming on strong about how
49 the public process is being circumvented and all that
50 kind of stuff so I would like Stevens to hear that.
51

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1 MS. WILSON: Also send a copy to the President.
2
3 MS. ROBINSON: Uh-huh (affirmative.) Yeah.
4 Maybe with another cover letter to the President,
5 requesting that he veto the Appropriations Bill for
6 these reasons, you know. "See enclosed letter or
7 something." We can figure that out later.
8
9 MS. GARZA: Hey! What was that?
10
11 CHAIRMAN THOMAS: What was what?
12
13 MS. GARZA: Nobody else is getting their coffee
14 served. (Laughter)
15
16 UNIDENTIFIED: The vice chair requests coffee.
17
18 MS. GARZA: That's right. Two minute break.
19
20 CHAIRMAN THOMAS: Two minutes. Remember my
21 admonition. Don't discuss this among yourselves or
22 anybody else.
23
24 (Off record - 9:20 a.m.)
25 (On record - 9:26 a.m.)
26
27 CHAIRMAN THOMAS: Before we get started, we have
28 a new person that joined us this morning and I was
29 going to ask him to introduce himself to the people
30 here like we all did yesterday. We all took our turn
31 at introducing ourselves, telling what we did, who we
32 are, where we're from, what we do. If you would,
33 Doug, please.
34
35 MR. LARSEN: Sure. Would you like me to use a
36 microphone for that?
37
38 CHAIRMAN THOMAS: Whichever.
39
40 MR. LARSEN: Well, if I don't have to, I won't.
41
42 CHAIRMAN THOMAS: Tell us what your name is.
43
44 MR. LARSEN: My name is Doug Larsen and I'm the
45 Ketchikan area wildlife biologist with Fish and Game.
46 I work out of Ketchikan. The areas that I'm respons-
47 ible for are subunit 1A which is from the Cleveland
48 Peninsula, south side of the Cleveland to the Portland
49 Canal, and then Unit 2 which is, as I think most people
50 here know, Prince of Wales Island and the adjacent
51 islands. And I'm responsible for species such as

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1 deer, mountain goat in 1A, wolves, other fur bearers,
2 like otter, beaver, mink and marten, for black bear and
3 brown bear where they occur. And I've been in
4 Ketchikan for five years and previously worked out of
5 Juneau, Sitka and Kotzebue.
6

7 In fact, I was talking to Dolly when I went to
8 Kotzebue in 1985, she was leaving Kotzebue to go to
9 Sitka and I was leaving Sitka to go to Kotzebue so we
10 missed. I don't know if that was planned or not on
11 Dolly's part. It certainly wasn't on mine.
12

13 MS. GARZA: They told me all about you.
14 (Laughter)
15

16 MR. LARSEN: And I am happy to be here at the
17 meeting and I'd be happy to try and answer questions
18 that might come up or contribute in whatever way I can.
19

20 CHAIRMAN THOMAS: Well, we welcome you and thank
21 you very much. And I'm sure we will.
22

23 MR. LARSEN: Thanks.
24

25 CHAIRMAN THOMAS: Okay. Are we ready for our
26 committee reports?
27

28 MS. PHILLIPS: For -- for what?
29

30 CHAIRMAN THOMAS: To -- we already came up
31 with...
32

33 MS. ROBINSON: Oh, did you come up with language?
34

35 MS. PHILLIPS: It needs to be -- it's a little
36 confusing in one part but Bill's suggestion is to add
37 "without re- " on paragraph two to -- "We believe that
38 in addressing and providing for subsistence needs,
39 there must be a substantial reduction in the amount of
40 timber harvested on the Tongass, both annually and over
41 the long term. Without reductions, the habitat and
42 ecosystem on which all life depends on is justification
43 for the point of more conversation discipline to timber
44 harvesting. As responsible constituents of your
45 representation, we are using our inherent skills and
46 instincts to contribute to sustainable resource
47 management."
48

49 MS. ROBINSON: Sounds like a good starting point
50 there. Yeah.
51

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1 MR. CLARK: The word, "run-on" comes to mind.
2
3 MS. PHILLIPS: The word what?
4
5 MR. CLARK: Run-on.
6
7 MR. ANDERSON: At least you won't get a rebuttal
8 from the devoted (ph) Senator. Very smooth.
9
10 MS. ROBINSON: Good place to start. Yeah. We
11 can work with that.
12
13 MR. CLARK: May I get a copy of that to change my
14 notes with?
15
16 MS. PHILLIPS: Give it back.
17
18 MR. CLARK: I will.
19
20 CHAIRMAN THOMAS: You didn't get all that, Fred?
21
22 MR. CLARK: Surprise. Surprise.
23
24 CHAIRMAN THOMAS: Well, is there any more
25 suggestions anybody wanted to offer to this draft
26 document so far? I've got to stall for time because
27 our next presenter is going to give us some information
28 regarding C&T. So -- did he get a phone call?
29
30 MR. CELLIER: Yes. Fred's talking with John
31 Vale.
32
33 CHAIRMAN THOMAS: Well, I can't hear 'em from
34 here so if you guys want to say anything.
35
36 MS. GARZA: Maybe we should talk about our next
37 meeting location and date.
38
39 CHAIRMAN THOMAS: Okay. Our agenda asks where do
40 we want to meet next and when. First we should
41 establish where and I think when is going to depend on
42 when we have the materials ready that we're going to
43 use at that meeting. And so some were suggesting Las
44 Vegas.
45
46 MS. ROBINSON: Sounds good to me.
47
48 MS. GARZA: Need a bigger advance check than
49 that. In our packet toward the end there is a calendar
50 that shows when the window begins and when the window
51 ends during which time we're supposed to be setting the

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1 meeting.
2
3 MR. KNAUER: Should be the last page in your
4 folder, there's a calendar.
5
6 MS. ROBINSON: How convenient.
7
8 MS. GARZA: I guess I have -- I like these set up
9 as Thursday, Friday, Saturday. That seems to work.
10
11 MS. ROBINSON: I'd like it during our school
12 vacation time which is the last week of January and the
13 first two weeks of February. Anywhere in there is fine
14 with me. We can set our own calendar in PA as long as
15 the district approves it and they -- this is the second
16 year in a row now that we've had a break like that
17 instead of at Christmas. It's kinda' nice.
18
19 CHAIRMAN THOMAS: Do you want to set a date first
20 and then talk location or what -- we could do something
21 now as -- both of these will be suggested out here
22 because everybody's got different schedules and
23 something may come up and say, "Hey, this came up and I
24 need to be doing this." So we might need to
25 consider...
26
27 MS. ROBINSON: Right. I just mentioned it
28 because that's the only thing I have a preference
29 about. It doesn't matter to me where we meet.
30
31 CHAIRMAN THOMAS: So February 1, 2, and 3 would
32 be good for you?
33
34 MS. ROBINSON: Yeah. Sure would.
35
36 CHAIRMAN THOMAS: Is that month good for anybody
37 else?
38
39 MS. WILSON: It's okay by me.
40
41 MR. ANDERSON: If it's in Juneau, it's excellent
42 for me.
43
44 MS. WILSON: The weather is not very good during
45 that time either. We've got to think of that.
46
47 MS. GARZA: Well, during that whole month.
48
49 CHAIRMAN THOMAS: Do we want to meet in Port
50 Alexander? I've never heard of no weather problems
51 there.

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1 MS. ROBINSON: Yeah, it's a downright banana
2 belt, you know.
3

4 MS. GARZA: They get out of there once a week.
5 If it were in April, we could meet in Sitka. But I --
6 you know, I certainly would like to invite the council
7 to Sitka. It won't be herring egg time, but I'm sure
8 STA and ANB (ph) and ANS (ph) would be glad to host a
9 nice feast and...
10

11 CHAIRMAN THOMAS: Yeah, we went there before.
12

13 MS. GARZA: Long, long time ago.
14

15 MS. ROBINSON: First meeting. The first meeting
16 was there.
17

18 MR. ANDERSON: That was the organizational
19 meeting. Where were you?
20

21 MS. GARZA: I wasn't organized then.
22

23 CHAIRMAN THOMAS: Okay. Sitka's been mentioned
24 for a site.
25

26 MS. ROBINSON: And Juneau was mentioned also.
27

28 CHAIRMAN THOMAS: Juneau was mentioned. Las
29 Vegas was mentioned.
30

31 MR. ANDERSON: John, are you inviting...
32

33 MS. ROBINSON: Port Alexander was mentioned.
34

35 CHAIRMAN THOMAS: Port Alexander was mentioned.
36

37 MR. FELLER: Yeah, Mr. Chairman...
38

39 MS. ROBINSON: Oh, you asked us to go to Wrangell
40 a while ago, didn't you?
41

42 MR. FELLER: Yeah, I was passed over last time.
43 I think you promised me we could have it in Wrangell
44 this time.
45

46 MS. ROBINSON: Wrangell wouldn't be too hard to
47 get into in February, I wouldn't think.
48

49 MR. FELLER: Yeah, Wrangell is on the main route
50 there. Flight 65, 64...
51

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1 UNIDENTIFIED: Milk run.
2
3 MS. GARZA: The ferry service.
4
5 MR. ANDERSON: If John doesn't speak up, I would
6 say Juneau -- so John, put up your sales pitch.
7
8 MR. FELLER: Okay. Yeah, Wrangell really needs
9 the people to come to town. They always give from
10 their heart there and we have the facilities available.
11 We've been fixing up building and own the Snow (ph)
12 Building now. All our combined groups. But I'll have
13 to warn you that the weather and getting in and out of
14 there at the end of January and the first of February,
15 it could be kinda' like passover, you know.
16
17 CHAIRMAN THOMAS: Dolly.
18
19 MS. GARZA: Mr. Chairman, if we -- if Wrangell is
20 the location, maybe we should hold off on the dates
21 until we see a ferry schedule so we can make sure we
22 can get in from -- get in and out.
23
24 MS. ROBINSON: At least, by ferry.
25
26 MS. GARZA: Yeah. As a back-up.
27
28 CHAIRMAN THOMAS: We also have an alternative
29 site. Sitka, alternative one; Juneau, alternative two.
30
31 MS. GARZA: I think Wrangell's fine.
32
33 CHAIRMAN THOMAS: Las Vegas is -- Patty.
34
35 MS. PHILLIPS: I would prefer it in a different
36 community. We didn't get much public comment from the
37 Juneau area and I'd like to give the other communities
38 a chance to public comment.
39
40 CHAIRMAN THOMAS: Hank.
41
42 MR. NEWHOUSE: Essentially, on the (indiscernible
43 - unclear) the ferry system, if it follows traditional,
44 there would be a ferry coming into Wrangell probably
45 early Thursday morning from Juneau. Usually leaves
46 Juneau, oh, about 2:30, 3 o'clock in the morning to
47 Wrangell...
48
49 MS. ROBINSON: So, if we couldn't fly out that
50 day, on Wednesday, we could hop on the ferry that night
51

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1 and be at our meeting Thursday morning.
2
3 MR. NEWHOUSE: Yeah, it leaves from Juneau.
4
5 MS. GARZA: Well, the fall schedule is out. The
6 ferry schedule is out.
7
8 CHAIRMAN THOMAS: How about we do this? How
9 about we decide on Wrangell and then ask our
10 coordinator to secure ferry schedules for us in and out
11 of Wrangell and then -- and he can get the latest scoop
12 on the ferry schedule, then we can lock in a date then.
13 And try to get it within that school vacation time.
14
15 MS. ROBINSON: Sounds good.
16
17 MS. GARZA: I'd like to, best we can, lock it in
18 as close as we can because last time -- part of the
19 reasons I missed Hoonah was because I couldn't figure
20 out what the dates were. Everybody said, it will
21 probably be this week and then I could never get a
22 response from our coordinator and I had to schedule
23 something else and so if it's far enough in advance and
24 it's these dates, I can schedule everything else around
25 it.
26
27 CHAIRMAN THOMAS: That was why we changed
28 coordinators, so... (Laughter)
29
30 MS. ROBINSON: Boy, you're getting put under a
31 lot of pressure. You'd better not screw up on this,
32 Fred. You might be out of a job (Laughter.)
33
34 CHAIRMAN THOMAS: Let's look at February 1, 2 and
35 3 and we'll give our coordinator responsibility of
36 adjusting the ferry schedules accordingly.
37
38 MR. CLARK: Such power.
39
40 MS. ROBINSON: Awesome, isn't it.
41
42 MR. ANDERSON: If you can't -- if it doesn't look
43 that, how about the 15, 16th, and 17th?
44
45 MS. GARZA: Say again.
46
47 MS. ROBINSON: 15th, 16th, or 17th?
48
49 CHAIRMAN THOMAS: If not that date?
50
51 MR. ANDERSON: Yeah.

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1
2 CHAIRMAN THOMAS: So, two weeks later as an
3 alternate date?

4
5 MR. ANDERSON: Well, the weather is better.

6
7 CHAIRMAN THOMAS: Once you get passed that...

8
9 MS. WILSON: What did Lonnie say, Mr. Chairman?

10
11 CHAIRMAN THOMAS: Excuse me?

12
13 MS. WILSON: What did Lonnie just say?

14
15 MR. ANDERSON: If you can't get it the 1st, 2nd,
16 and 3rd of February...

17
18 MS. ROBINSON: What's the matter with the 8th,
19 9th or 10th?

20
21 MR. ANDERSON: That gives you a week to
22 recuperate in trying to get out of... (Laughter)

23
24 MR. FELLER: Mr. Chairman, I could suggest too
25 that we could invite you for the fall meeting. You
26 know that's al- -- the weather is always better then.

27
28 MS. GARZA: We can get there.

29
30 MR. FELLER: Okay. If you want to take your
31 chances, it's fine with me.

32
33 CHAIRMAN THOMAS: Any place in Southeast after
34 July is a chance of (indiscernible - unclear). So, it
35 seems now it's Wrangell or bust?

36
37 MS. ROBINSON: Sounds like.

38
39 MS. WILSON: Wrangell on February 15th, huh?

40
41 MS. ROBINSON: Get John off our backs.

42
43 MR. FELLER: I've been dogging you long enough.

44
45 MR. ANDERSON: Mr. Chairman, in order to make it
46 official, I make a motion that we attend the next
47 meeting in Wrangell.

48
49 MS. ROBINSON: Second.

50
51 CHAIRMAN THOMAS: There's a motion and second.

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1 Further discussion? All those in favor say aye.
2
3 ALL IN UNISON: Aye.
4
5 CHAIRMAN THOMAS: Opposed?
6
7 (No opposing responses)
8
9 CHAIRMAN THOMAS: Wrangell, it is. Have we
10 heard anything from our anthropologist?
11
12 MR. CLARK: Yes, Mr. Chairman. I spoke with
13 Rachel last night and her schedule was for her to be
14 here by now, but it could well be that she got
15 weathered out.
16
17 MS. ROBINSON: Planes are flying here.
18
19 MR. CLARK: I would expect her to show up anytime
20 now. In her absence, though she was -- she had no
21 problem with me taking over for her on the C&T process.
22
23 CHAIRMAN THOMAS: Okay. What about you? Do
24 you feel the same way?
25
26 MR. CLARK: Yeah.
27
28 CHAIRMAN THOMAS: Okay.
29
30 MR. CLARK: If I may, Mr. Chairman, the reason I
31 ran out of the room a few minutes ago was that John
32 Vale was on the phone and he had just gotten back from
33 commercial fishing and he was, you know, we were unable
34 to reach him while he was out, so he wasn't aware of
35 the dates of the meeting.
36
37 CHAIRMAN THOMAS: Oh, I see.
38
39 MR. CLARK: And due to weather and stuff, he
40 decided not to try to make it for the last few hours of
41 the meeting and expresses that he wishes that he could
42 be here but he just can't be, hoping that the council
43 would understand.
44
45 CHAIRMAN THOMAS: Let the record show that John
46 Vale is excused.
47
48 MR. CLARK: Thank you.
49
50 CHAIRMAN THOMAS: Patty.
51

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1 MS. PHILLIPS: That's a concern for our fall
2 meetings is that I would rather see the fall meetings
3 in October for those that want to commercial --
4 continue to commercial fish, can.

5
6 MS. ROBINSON: So the beginning of October.

7
8 CHAIRMAN THOMAS: What's our window? Does our
9 window take us into that time?

10
11 MS. GARZA: Yeah, it goes into October 18th.

12
13 CHAIRMAN THOMAS: October 18th?

14
15 MS. GARZA: So we could have had it.

16
17 CHAIRMAN THOMAS: Okay. I've got no commitments.
18 I'm a ward of the state, so I don't know.

19
20 MR. FELLER: Yeah, how long is the window? I
21 know I went for the Chatham opening last year and I was
22 done with my check in hand October 6th or something
23 like that.

24
25 MS. GARZA: To October 18th. So, we'll just keep
26 that in mind when we set our next meeting date.

27
28 MS. ROBINSON: Winter trolling starts the 11th,
29 if there are any trollers that are on the council.

30
31 MS. GARZA: Our window's pretty small.

32
33 MS. WILSON: When is the AFN meeting?

34
35 MS. GARZA: Oh, it's the third week. Could
36 always meet up in Anchorage, huh?

37
38 MS. ROBINSON: Yakutat would be a good place for
39 a meeting.

40
41 (Side conversation while C&T materials are
42 distributed)

43
44 MS. GARZA: Hey, you guys are having the Sealaska
45 meeting.

46
47 MR. FELLER: I know. We're having -- keeping it
48 under wraps though.

49
50 MS. GARZA: You're getting greedy.

51
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1 MR. FELLER: Yeah, you're all invited to it.
2
3 UNIDENTIFIED: It's the new convention mecca.
4
5 CHAIRMAN THOMAS: That's like when Dewey was in
6 Las Vegas. They were going to go on a helicopter tour.
7 And they said, "Where in Alaska are you from?" "Oh, I
8 come from a small town called Klawock." "Oh, the
9 banishment town, huh?" (Laughter)
10
11 MS. ROBINSON: Where did these letters come from?
12 What is going on with this?
13
14 MR. CLARK: These are letters that Ken Thompson
15 made available to the council, having to do with the
16 governor's -- I think it's called a special task force
17 that he has put together under the leadership of Fran
18 Ulmer to try to develop a consensus between the federal
19 and state subsistence programs. And what they've done
20 is they've hired a legal firm under Julian Mason who's
21 out of Anchorage to try to confer with everybody who's
22 involved in the federal system and the state system to
23 try to come up with a commonality of the two systems
24 and from there, go forward to figure out some way
25 that's acceptable to get the two systems together.
26
27 MS. ROBINSON: That's what this part of it is?
28 The draft?
29
30 MR. CLARK: Yeah, that's what that is about.
31 That's kind of a draft of what no matter what happens,
32 these are the constraints. These are the things that
33 everybody's going to have to consider and they've got
34 -- they've already got a lot of flack for trying to do
35 this and for the types of things they've brought out.
36
37 The other letter is from the Alaska Outdoor
38 Council as a response to the first letter. This is for
39 your information and consideration. It's not
40 necessarily something that we need to deal with at this
41 meeting.
42
43 CHAIRMAN THOMAS: I think we'll just use this ad
44 advisement right now. I don't think it will become
45 part of our meeting.
46
47 MR. CLARK: Are you ready for C&T?
48
49 CHAIRMAN THOMAS: Yes, sir. We're now into Old
50 Business, Item number three, Customary and Traditional
51 ~~Use Eligibility Update.~~

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1
2 MR. CLARK: Mr. Chairman, the way I see this is
3 kind of -- this first part of is just kind of an
4 introduction to the what's been happening with the C&T
5 process in that...
6

7 CHAIRMAN THOMAS: Maybe you ought to take that
8 table here.
9

10 MR. CLARK: Since the beginning of the federal
11 subsistence program, C&T, Customary and Traditional
12 Use, has been a very, very important part. And people
13 have recognized it as such and been sending in proposal
14 after proposal after proposal, but the Federal
15 Subsistence Board has not accepted consideration of
16 those proposals up until this year. They have now
17 decided that well, there's a backlog of some 500
18 customary and traditional use determinations on file,
19 all of which they are considering active at present.
20 So what they've requested is that councils go through
21 the backlog for their areas and decide which ones they
22 feel are important. Yes, Dolly.
23

24 MS. GARZA: How come they haven't considered
25 them? I just need some catch-up here.
26

27 MR. CLARK: My understanding is that they were
28 just overwhelmed with what they were doing with the bag
29 and limits. Bill.
30

31 MR. KNAUER: Mr. Chairman, the -- part of the
32 problem was there had not been a process in place for
33 dealing with the customary and traditional use
34 determination and the initial intent was to do it
35 geographically, prioritizing particular areas of the
36 state where there were known resource problems or
37 concerns and they were working with the anthropologist,
38 and the agencies to come up with a particular process
39 to deal with this, much as they developed the process
40 for the annual regulations. The process was put in
41 place in July of '94 with a federal register notice and
42 it indicated certain priorities over the state.
43 However, with the discussions resulting from efforts on
44 the Kenai and upper Tanana area and discussions with
45 the council chairs, the recommendation was provided to
46 the Federal Subsistence Board that it would be more
47 appropriate to deal with subpart -- what we call
48 subpart C, Customary and Traditional Use determinations
49 proposals in the same manner that they deal with the
50 annual regulation proposals. In other words, on an
51 annual basis and at the same time, but there was a

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1 backlog of proposals and so that's what is driving this
2 right now. A need for review and prioritizing the
3 existing proposals.
4

5 MR. CLARK: There was considerable discussion
6 about whether the process should follow the subpart D
7 process on an annual schedule or do it every other year
8 or have it offset on, you know, considering proposals
9 at different meetings, but as Bill said, the way they
10 decided to handle it was along the same annual schedule
11 as the subpart D proposals. And the main thing is
12 that it's not just the backlog. It's whatever other
13 proposals that the council should put forward. If you
14 see a need for C&T determinations to be made in the
15 region, now you have an opportunity to put those
16 forward and you can do that in concert with those that
17 are in the backlog.
18

19 In your booklet, you have the list of all of the
20 backlogged C&T requests. There's several pages of
21 backlogged things and they are listed by the district,
22 the species, who made the request, what the request and
23 existing determinations are and then just an
24 administrative tracking code. There are...
25

26 MS. GARZA: So, does that go horizontally?
27

28 MR. CLARK: Yes. Yeah, that's the one that looks
29 like this (indicating).
30

31 CHAIRMAN THOMAS: I have a question. When Kenai
32 is the only one so far that has gotten started with
33 their process. I don't know that they're comp- -- are
34 they complete?
35

36 MR. KNAUER: No, sir, they're not.
37

38 CHAIRMAN THOMAS: Okay, but anyway, I was -- it's
39 a sensitive and complex process because of the nature
40 of the implications of any considerations that are
41 adopted. Having said that, I was curious to what, if
42 any, staff was available to that council during the
43 course of their consideration before they presented
44 'em. Do you know whether -- was anybody from your
45 office involved in writing those -- helping to write
46 those to the council?
47

48 MR. KNAUER: Yes, Mr. Chairman. In the Kenai
49 situation, it was proceeding under the old process in
50 which information was accumulated on all of the large
51 mammals in that area sub area. Under the new

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1 process, they would -- instead of looking at all the
 2 species in the sub area, they would only look at
 3 whichever one was being addressed in their proposal.
 4 In other words, if, for example, we'll say Wrangell did
 5 not have C&T for deer in their immediate area and a
 6 proposal came up that asked for C&T for deer for
 7 Wrangell in that immediate area, that would be the only
 8 thing that would be examined. They wouldn't be looking
 9 at goat and moose and bear and everything else which is
 10 what was happening under the old process. And so under
 11 the new process, it would be examining just what was
 12 being specifically requested under a proposal.

13
 14 CHAIRMAN THOMAS: Okay. My next question then.
 15 When we reach a point as a council to commit our time
 16 to those C&T considerations, can we anticipate and
 17 expect staff assistance in this region?

18
 19 MR. CLARK: That's a very important question and
 20 one that the Fish and Wildlife Service staff has been
 21 struggling with for some time. It's obvious from their
 22 point of view that with numerous C&T requests that
 23 they're only going to be able to do a very small
 24 proportion of those. They're only going to be able to
 25 provide staff support for a few C&T determinations per
 26 year from their point of view. So that makes it
 27 incumbent upon the council to try to prioritize what's
 28 most important.

29
 30 CHAIRMAN THOMAS: I guess all I was looking for
 31 was the same opportunities for Region 1 that Region 2
 32 enjoys. I say that because it's difficult because it
 33 is apples and oranges, in this case, considering the
 34 composite of the populations. But in any case, I
 35 think that would go a long ways in consistency of
 36 participation from the agency.

37
 38 MR. CLARK: As Bill pointed out, the way the C&T
 39 determinations were done in Region 2 on the Kenai is
 40 that was under a different process than the new
 41 process. And the Region 2 meeting, council meeting
 42 has been going on -- I think today is their last day
 43 but Rachel was at that meeting and talked with them
 44 about the new process and the C&T determinations. The
 45 way that that region decided to handle it was on an
 46 issues basis. Instead of going through this laundry
 47 list...

48
 49 (Rachel Mason arrives)

50
 51 ~~MS. MASON: It must be the amazing prophecy~~

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1 seminar.
2
3 CHAIRMAN THOMAS: Fred, do you know why the Kenai
4 River ran away like it did?
5
6 MR. CLARK: I'm sure that you will tell me.
7
8 CHAIRMAN THOMAS: It's because of the way the
9 C&Ts were handled.
10
11 MS. MASON: Oh, great.
12
13 MR. CLARK: This is what Rachel wanted to hear.
14
15 CHAIRMAN THOMAS: Kenai Everglades. Well, we'll
16 take 45 (ph) minutes to honor our new presenter...
17
18 MS. MASON: Get me on the hot seat, Bill.
19
20 CHAIRMAN THOMAS: Well, not for awhile. Take your
21 time. Fred's in trouble right now. (Laughter)
22
23 MS. GARZA: Mr. Chairman.
24
25 CHAIRMAN THOMAS: Dolly.
26
27 MS. GARZA: I guess in running through these real
28 quickly, I don't -- I mean there may be 500 somewhere
29 but it doesn't look like Southeast has all that many as
30 a backlog...
31
32 MR. CLARK: No. Southeast does not have that
33 many.
34
35 MS. GARZA: And I think that at the Wrangell
36 meeting that we could go through them. It looks like
37 some of them are redundant and so they're similar and
38 submitted by different people.
39
40 MR. CLARK: Also -- and Mr. Chairman, if I may.
41 If you look through these, a lot of these deal with
42 things that the council isn't set up to deal with.
43 There are a lot of fish proposals that you just don't
44 have authority at this point to deal with and there is
45 much redundancy. Many of these probably aren't
46 considered active by the people who submitted them in
47 the first place. So if you went through these and
48 crossed out the ones that looked like they're probably
49 superfluous to the process to start with, you would
50 cull out a large number and you wouldn't have that many
51 to deal with.

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1
2 MS. ROBINSON: Will we be able to, as in the
3 usual process, take something here and create our own?
4 In other words if it's for one area, can we put --
5 include others?
6

7 MR. CLARK: Exactly.
8

9 MS. ROBINSON: Okay. So that is something we
10 would want to keep in mind when we're looking at is is
11 what other areas would qualify.
12

13 MR. CLARK: And you have the option of either
14 doing it proposal by proposal or developing issues by
15 area within the region. If each of you would consider
16 what are the really important C&T issues in your
17 communities and then bring those to the table as the
18 burning, most important, high priority issues for the
19 region and handle them that way, that may be the most
20 efficient and effective way to handle it. But that's up
21 to the council how the council wishes to proceed.
22

23 MS. ROBINSON: I wonder whether, as a council,
24 we're going to want to spend any time talking about
25 fisheries issues. Or if we want to...
26

27 CHAIRMAN THOMAS: I think...
28

29 MS. ROBINSON: ...delay that to a later time.
30

31 CHAIRMAN THOMAS: I think we'd better find out
32 whether it's going to be of any value. It's of value,
33 as far as credibility is concerned, how far can we take
34 these.
35

36 MS. ROBINSON: Right. I mean because I'm not
37 sure how much time we want to put on at this point. It
38 may be a moot point.
39

40 CHAIRMAN THOMAS: I'll yield to Bill in this case
41 and if you don't feel adequate with it, that's fine
42 too.
43

44 MR. KNAUER: I believe that Mim's statement is
45 very correct as is yours. It is an important issue, a
46 valid issue but I'm not sure that it would be the best
47 use of your time now, especially when the legal issues
48 concerning jurisdiction are so much up in the air and
49 we do know that when there is a final decision that
50 there will be adequate opportunity at that time to
51 address both the C&T aspect of fisheries as well as any

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1 annual regulations that might be appropriate.

2
3 CHAIRMAN THOMAS: Thank you.

4
5 MS. ROBINSON: So that really narrows it down for
6 us. I mean I would assume probably the most important
7 issues we'd be dealing with would be deer, moose,
8 probably in that order, I guess.

9
10 CHAIRMAN THOMAS: There's something I want to
11 emphasize right here. There's probably in some minds
12 and I respect that to say if we're a Fish and Wildlife
13 advisory council, why are we confined just to wildlife,
14 even this far into it? I don't know that. I share
15 the same frustrations but one thing that I've learned
16 over the years of experience that if you can avoid a
17 confrontation to establish a point while you could be
18 making progress on areas that you do understand that
19 it's wisest to do that than to kill time with a
20 confrontation of wondering why we can't do the other.
21 Mim.

22
23 MS. ROBINSON: It just occurred to me that the
24 one area that we could talk about about fish is the
25 Glacier Bay Preserve. That's something we would want
26 to do, I think we would want to do a C&T determination
27 on.

28
29 CHAIRMAN THOMAS: Dolly.

30
31 MS., GARZA: I guess, to me, it's still more than
32 that. I mean it has been determined that all fresh
33 waters are C&T and that we can consider those.

34
35 MS. ROBINSON: That, too. Right.

36
37 MS. GARZA: I mean there's a lot more that we can
38 do than Glacier Bay, especially if someone's going to
39 tell us that we can't do anything in Glacier Bay, it
40 becomes a pretty short designation...

41
42 MS. ROBINSON: I'm mostly saying in terms of
43 navigable waters. But yeah, non-navigable waters,
44 also, we could certainly do.

45
46 CHAIRMAN THOMAS: I think we can focus on more
47 (indiscernible - unclear) when we get to that. So, why
48 don't we leave that until -- now, let's go on with our
49 information here.

50
51 ~~MS. MASON: Thank you, Mr. Chairman. My name is~~

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1 Rachel Mason and I'm with Fish and Wildlife Service as
 2 an anthropologist. I don't know what you've already
 3 covered so far with the C&T subject.
 4
 5 MR. CLARK: Very little.
 6
 7 MS. MASON: Okay.
 8
 9 CHAIRMAN THOMAS: It wasn't reliable anyways.
 10 (Laughter)
 11
 12 MS. MASON: Okay. Have you already been updated
 13 on what has happened with the Kenai C&T decision?
 14
 15 MR. CLARK: No.
 16
 17 MS. MASON: Okay.
 18
 19 MR. CLARK: Excuse me. With the Chair's
 20 recognition, I'd like to return to take notes and yield
 21 this table to Rachel.
 22
 23 CHAIRMAN THOMAS: Thank you very much.
 24
 25 MS. ROBINSON: I don't know. I think we ought to
 26 make you sit up there a little longer.
 27
 28 MS. MASON: As all of you probably know, a new
 29 process has been instituted for considering customary
 30 and traditional determinations but the subsistence
 31 board decided to continue with the Kenai C&T because
 32 that was already so far along and momentum had been
 33 established. So since it was already underway, they're
 34 going on with that one but I will get to, in a minute,
 35 what the new process is.
 36
 37 First, I'll just tell you in some detail what has
 38 happened with the Kenai C&T and I just came from the
 39 Southcentral meeting so there's some fast breaking news
 40 on what that council has decided to do.
 41
 42 First of all, at the April 1995 meeting, the
 43 Federal Subsistence Board endorsed the Southcentral
 44 Council's recommendation that the rural communities of
 45 Whittier, Hope, Cooper Landing, Ninilchik, Nanwelek,
 46 Seldovia and Port Graham receive customary and
 47 traditional use eligibility. And the council had only
 48 considered large land mammals for that C&T and that was
 49 on federal public lands in Units 7 and 15. The
 50 council had also recommended an any bull moose season
 51 in Unit 15 which would open ten days in advance of the

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1 state sport hunt opening on August 19th. But the board
2 included antler restrictions in their endorsement.
3

4 At the July 12th meeting of the regional council,
5 the Southcentral Council reviewed the results of public
6 meetings that had been held earlier that summer on the
7 Kenai Peninsula. And that was just to get the public's
8 input on the board's recommendations. At the July
9 meeting, the Southcentral Regional Council recommended
10 deferral of all C&T determinations for Hope, Cooper
11 Landing and Whittier and deferral of C&T determinations
12 for all species other than moose for the communities of
13 Ninilchik, Port Graham, Nanwelek and Seldovia. For
14 those four communities, there was a positive C&T
15 determination for moose in Unit 15 and also an August
16 10th to September 20th moose hunt with no antler
17 restrictions in Unit 15. On the following day, the
18 board adopted a final rule accepting the regional
19 council's deferrals but also deferring C&T deter-
20 minations for Unit 15A as well as retaining the spiked
21 fork 50 inch antler restrictions for that moose hunt
22 that was from August 10th to September 20th in Units
23 15B and 15C.
24

25 The next thing that happened was that the
26 Ninilchik Traditional Council submitted a request for
27 reconsideration and also filed a complaint for
28 declaratory relief, a motion for a temporary
29 restraining order and a motion for preliminary
30 injunction in federal district court. The court's
31 ruling was that it didn't have jurisdiction because the
32 traditional council had not yet exhausted the admini-
33 strative remedies, that is for the request for
34 reconsideration. And then it denied the Ninilchik
35 Traditional Council's motion for reconsideration filed
36 on the same day. Following that, the Ninilchik
37 Traditional Council and the board reached an agreement,
38 a settlement agreement, whereby the traditional council
39 would withdraw its motion for a preliminary injunction
40 in exchange for an additional 20 moose hunt for tribal
41 members only in the Skilak Loop Game Management Area.
42 That's in 15A. And part of the terms of agreement was
43 that this was not to be precedent-setting for the rest
44 of the state.
45

46 MS. ROBINSON: Yeah. Right.
47

48 CHAIRMAN THOMAS: That's great.
49

50 MS. ROBINSON: I don't sound too cynical, do I.
51

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1 MS. MASON: So -- and as it turned out, after
2 this -- when the results came in of that early moose
3 hunt, only one moose was taken during that additional
4 20 moose hunt. So, the regional council at the
5 meeting that is going on now was to take up the further
6 deliberation of species and communities, the ones that
7 had been deferred in Units 15 and 7, but rather than
8 take those up, they decided to instead put a proposal
9 before the board to declare all of the Kenai Peninsula
10 rural and then -- and then wait until that proposal had
11 gone through or wait until that had been considered
12 before deliberating further on C&T in Units 7 and 15.
13 So, that's what just happened. And I don't know
14 anything else about that. Is there any questions?
15

16 MS. LE CORNU: I have a real problem with that.
17 I mean if all of Kenai is rural and all of those uses
18 are not customary and traditional, now that will
19 forever deprive the Native people of their entitlement
20 to fair opportunity.
21

22 MS. MASON: That was discussed by the council.
23 That was debated and it was not a unanimous vote with
24 this proposal.
25

26 CHAIRMAN THOMAS: Probably three dissensions out
27 of seven?
28

29 MS. MASON: Two.
30

31 CHAIRMAN THOMAS: Two,
32

33 MS. MASON: Two. Yeah. Gary Oskolkoff supported
34 it also. But the -- I believe that the council's
35 reasoning was that they wanted to respond to the public
36 testimony that had -- didn't want to draw lines between
37 communities on the Kenai Peninsula, so it was almost
38 arbitrary whether or not they would go for declaring it
39 all non-rural or all rural. but they went for rural and
40 that's what their proposal is.
41

42 CHAIRMAN THOMAS: It's interesting that they say
43 that because when they came up to Anchorage to give
44 public testimony, I saw about 49 Berlin Walls (ph) in
45 that room and they don't want to draw lines.
46

47 MS. MASON: Yes. And they're still drawing a
48 line between Anchorage at Portage...
49

50 CHAIRMAN THOMAS: Well, even among the Kenai.
51

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1 MS. MASON: Yeah.
2
3 CHAIRMAN THOMAS: They're not as -- they're not
4 as socially inclined as Southeast is.
5
6 MS. MASON: Apparently.
7
8 MS. LE CORNU: Can I make another comment,
9 Rachel?
10
11 MS. MASON: Sure.
12
13 MS. LE CORNU: I think we discussed this before,
14 you know, that in the light that this is remedial
15 legislation that doing these kinds of things is really
16 putting the clock forward 25 years to favor everybody
17 and I don't think that was the intent of the legis-
18 lation that we're dealing with. So, I heard somebody
19 mention earlier that the geographical areas were used
20 also. So we have these designations that -- rural
21 designations, the definition doesn't fit the message.
22 You know, it doesn't fit so rather than rural or
23 geographical, I think what we're talking about is a
24 political unit. Those tribal people have a right to
25 their political unit and I've heard mention earlier
26 about the state's infringement on those rights. That's
27 the area I see that the state is adversarial to Native
28 people. And with that, I would say, you know, to turn
29 everybody into -- give them those tribal rights without
30 having a political situation is wrong. I just don't
31 think it's right to have a rural designation carte
32 blanche.
33
34 MS. MASON: i can't comment on that but I do want
35 to clarify that by making it all rural, that does not
36 imply customary and traditional use eligibility.
37
38 MS. LE CORNU: Oh, okay.
39
40 MS. MASON: The council and the board will still
41 have to consider on a species by species basis what C&T
42 will be in that area. and also I wanted to turn to
43 Bill, if he's here, to ask him to comment on...
44
45 MR. CLARK: Bill is looking for a fuse box.
46
47 MS. MASON: Oh, he is. Okay. Well, then, I'll
48 just have to fly on my own. But it is a much more
49 difficult thing to change the rural -- non-rural
50 designations than it is to make proposed part D --
51 subpart D changes in season and bag limits because it

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1 involves a process that has to go all the way to the
2 Secretary of Interior.

3
4 CHAIRMAN THOMAS: Dolly.

5
6 MS. GARZA: I guess I heard on the radio this
7 morning in regards to the Kenai, they're meeting now?

8
9 MS. MASON: Yes.

10
11 MS. GARZA: And the majority of testimony was
12 against that particular moose take?

13
14 MS. MASON: Yes, it was.

15
16 MS. GARZA: Also the comment I heard in regards
17 to changing all of the Kenai to rural was that it was
18 so preposterous that perhaps someone would finally get
19 a clue that none of it should be rural. That was on
20 the radio.

21
22 MS. MASON: Huh. Yeah, that -- there were quite
23 a number of media representatives there, so I'm not
24 surprised that that was the take on it.

25
26 CHAIRMAN THOMAS: What may happen is that Region
27 1 may opt to make those determinations for them.
28 (Laughter)

29
30 MS. MASON: I can't speak to that.

31
32 MS. GARZA: The fried bread over there is going
33 to get cold so you guys should help yourselves.

34
35 CHAIRMAN THOMAS: Let's take a five-minute fried
36 bread. Thank you, Millie, for diligence.

37
38 (6800)

39
40 (Off record - 10:15 a.m.)

41 (On record - 10:29 a.m.)

42
43 (Tape: 3)
44 (0120)

45
46 CHAIRMAN THOMAS: Break's up. Do you want to
47 continue?

48
49 MS. MASON: All right. Well, I did want to make
50 a correction to something I said. I was sort of
51 ~~floundering because I couldn't find Bill, but it is not~~

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1 true that the rural -- changes to the rural/non-rural
2 determinations would go as far as the Secretary of
3 Interior. It is a little bit more difficult process,
4 but -- than the other kind of proposals, but it doesn't
5 have to go that far.

6
7 MS. GARZA: So who does it go to?

8
9 MS. MASON: Maybe Bill would like to respond to
10 that.

11
12 MR. KNAUER: A proposal to change the rural
13 determination would not be considered as part of the
14 annual process, but it would be considered a separate
15 part, but the board would have to -- it would go
16 through a process that would be reviewed by the board.

17
18 MS. MASON: Mr. Chairman, may I proceed to talk
19 about the new process for C&T?

20
21 CHAIRMAN THOMAS: Yes.

22
23 MS. MASON: In April of 1995, the Federal
24 Subsistence Board adopted a revised C&T determination
25 process, so beginning with this fall's round of
26 meetings, C&T eligibility for all species within a
27 region will not be reviewed together on the schedule of
28 priority areas the way it was, but instead individual
29 proposals dealing with particular wildlife resources
30 within a unit or units will be discussed. As you know,
31 there's a backlog of more than 200 C&T proposals from
32 years past, and the way that backlog got built up was
33 that the board wasn't considering individual C&T
34 proposals, so instead of considering them, they sent
35 letters to the proposers saying, "We're going to keep
36 them on file and we'll let you know if we ever start
37 considering them." So at this meeting what -- what
38 this council needs to do is to review the previously
39 submitted proposals and decide what the priorities are
40 for it. And as Fred told you, by now many of the old
41 proposals are moot. They've been dealt with in some
42 way or the requester is no longer interested in them.

43
44 CHAIRMAN THOMAS: Question.

45
46 MR. MASON: Yes.

47
48 CHAIRMAN THOMAS: Do we have evidence to indicate
49 that?

50
51 ~~MS. MASON: I think we do. I understand that~~

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1 Fred has been working on contacting the proposers.

2
3 MR. CLARK: No. I conferred with Bill on that
4 prior and he suggested that I not get a hold of the
5 proposers until after the council had a chance to be
6 informed.

7
8 MS. MASON: Okay. We don't have evidence of
9 that yet. What I suggest and what we just did at the
10 Southcentral Council meeting was that rather than going
11 through the backlog proposals one by one, that each
12 council member identify what are the burning issues in
13 their region, their sub-region, and the staff can do
14 the work of matching them up to the proposals that have
15 already been submitted, but if we can just get from the
16 council members what they think are the most important
17 issues, that will give us an idea of what, how to
18 prioritize them. Another...

19
20 CHAIRMAN THOMAS: One more question. In the
21 process of submitting what we feel as priorities, what
22 would that do to the ones that weren't listed as
23 priorities?

24
25 MS. MASON: It would not mean that they would
26 never be considered, but it would just mean that we
27 would work first on analyzing the ones that were listed
28 as priorities. There are two other things that would
29 enter the list. One of them would be to go through the
30 existing C&T determinations as they exist in the
31 regulations book and see if anything else occurs to you
32 that should be a priority to see if you're happy with
33 the regulations as they are or think that -- that it is
34 an important thing to have them changed. And then the
35 third thing would be new proposals that come in, and we
36 don't know what some of them are. This council can
37 make some proposals at this meeting or generate, at
38 least start generating them, but we don't know what
39 other proposals will come in. So based on what your
40 recommendations are and on the new ones that come in
41 we, the staff, will work to develop a priorities list
42 that includes all of those kinds of input.

43
44 And just a suggestion, you can prioritize them
45 any way you want, but the anthropologists got together
46 to talk about how we were going to analyze them and we
47 decided to suggest to the councils that large mammals
48 have priority before small mammals and also that
49 proposals to change no subsistence to a positive
50 determination have priority before modifying a current
51 C&T determination. But those are just suggestions.

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1 You got a copy, I believe, of the new proposal form
2 that we are going to be using for it, and it's --
3 essentially it's the same as the subpart D proposal
4 form, but we added a page that is only for C&T
5 proposals.
6

7 CHAIRMAN THOMAS: Before you get into that, the
8 reason I was asking questions about priorities.
9 Subsistence users, those people in terms of priority,
10 if it's something that you need, it's no less important
11 -- if you need something once a month, it's no less
12 important than something you use every day is the point
13 I was trying to infer, see? And that's probably how we
14 will submit our, any of our proposals will be patterned
15 in that light, so if they're very inclusive, you'll
16 know why.
17

18 MS. MASON: Yes. I understand that. And I
19 understand that resources are harvested together many
20 times, so it's very difficult to consider them on a
21 resource by resource basis, but that's -- we'll just
22 have to understand that. Okay.
23

24 Now, I'm not going to belabor the form very much.
25 I -- just to say that it does add additional
26 questions. The questions address, basically, what the
27 eight factors are that we have traditionally used for
28 analyzing C&T proposals, but it's understood that the
29 proposer is not going to know all that information, so
30 as much information -- if you're filling out one of
31 these or if you're helping somebody fill them out, as
32 much information as can be included is good. And we
33 have included a sample C&T proposal, just to offer some
34 guidance on how it could be if you did it. So does
35 anybody have any questions or comments about the form
36 or about the new process?
37

38 CHAIRMAN THOMAS: Well, you know we spent a lot
39 of time -- yesterday we were talking about timber
40 management, the impacts that occur once a place has
41 been logged off. Prince of Wales, having been targeted
42 for a long time for some super heavy concentrations of
43 logging, including a lot of clear cut, and I was
44 looking at question number 4. This is "How will this
45 change affect wildlife populations?" Down here in some
46 cases, those changes in wildlife populations may not be
47 because of a factor of subsistence use, see? So some
48 of our responses may reflect the change in habitat
49 because any time you have that large of an impact on
50 that much area, those populations are going to be
51 affected.

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1
2 MS. MASON: Yes. Well, my suggestion for
3 answering that question in that kind of a case would be
4 to say the change from subsistence, the impact from
5 that is so minimal compared to other impacts that it
6 would not be...

7
8 CHAIRMAN THOMAS: But it wouldn't be minimal. It
9 wouldn't be minimal. It would be next to catastrophic.
10 The contrast.

11
12 MS. MASON: But the change would not be because
13 of subsistence users.

14
15 CHAIRMAN THOMAS: That's true.

16
17 MS. MASON: It would be -- so I would suggest
18 saying there has been a great impact from other
19 sources, but not from subsistence users.

20
21 CHAIRMAN THOMAS: We just have to elaborate a
22 little more.

23
24 MS. MASON; I think so.

25
26 CHAIRMAN THOMAS: Okay. Let's take a moment. Let
27 everybody kind of scrutinize this. We haven't made
28 anybody bleed on the hot seat yet and we're running out
29 of time to do that.

30
31 MS. MASON: I cry very easily.

32
33 CHAIRMAN THOMAS: We do, too.

34
35 (Pause)

36
37 MS. GARZA: So, do you know that the other
38 regions are starting this process also?

39
40 MS. MASON: The only region that I can speak from
41 firsthand experience is Southcentral and they have --
42 they went through this exercise yesterday of deter-
43 mining which were the burning issues in their regions.

44
45 MR. KNAUER: This subject is on the agenda for
46 all the regions in this fall meeting.

47
48 CHAIRMAN THOMAS: Patty.

49
50 MS. PHILLIPS: When you said that the priority
51 ~~would be to establish new C&T instead of to modify~~

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1 existing C&T...
2
3 MS. MASON: I wasn't saying it would be that way,
4 but I was suggesting that that's the way you might want
5 to look at the priority.
6
7 MS. PHILLIPS: Well, for instance, on this, in
8 our book we have a listing of C&T, and like for Unit 4,
9 species deer, it's requesting that we modify the
10 existing determination to include another community, so
11 if it's something real simple like that and we'd be
12 modifying it...
13
14 MS. MASON: I guess that would be up to you
15 because to me that sounds like something that would not
16 take a lot of work to analyze it, so...
17
18 CHAIRMAN THOMAS: This was before we were a
19 region. Now that we're a region, it would imply that
20 that would be available to the region.
21
22 MS. MASON: Depending on whether you thought it
23 was an important addition, then you might want to add
24 that as an important issue.
25
26 CHAIRMAN THOMAS: If you would like to move on,
27 then go ahead and tell us (indiscernible - unclear).
28
29 MS. MASON: Okay. That's all I have, Mr.
30 Chairman.
31
32 CHAIRMAN THOMAS: Okay. Well, we appreciate that
33 introduction and thank you for the flash from Kenai.
34 It's one that is of paramount interest to everybody in
35 the state because of its uniqueness by comparison to
36 anything else in the state. There's nothing on the
37 Kenai Peninsula that resembles anyplace else in the
38 state. And so everybody's interested, I think all for
39 the same reasons. And so we thank you for sharing that
40 with us and I'm sure that's not a complete analysis by
41 any means and there will be some more coming.
42
43 MS. MASON: Right.
44
45 CHAIRMAN THOMAS: Thank you.
46
47 MR. ANDERSON: Mr. Chairman, I have a question.
48 You know, we doing the C&Ts here -- how does this
49 affect -- are we following the ANILCA approach or are
50 we doing different guidelines that -- now, it seems to
51 me like that we, at one time we made up traditional

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1 C&Ts for each community and area and now then we're off
2 on a different approach altogether, are we not? Maybe
3 I'm a little confused on it.

4
5 CHAIRMAN THOMAS: Well, confusion is to be
6 expected. Like I said earlier, we're now approaching
7 under a regional consideration, so all the communities
8 in this area are included, and if that resource is in
9 another area, then it's not a big deal. I don't know
10 that I'm understanding your question exactly. If I'm
11 not, then remind me.

12
13 MR. ANDERSON: Well, my question simply: Rural,
14 does that include, we say, how about traditional Native
15 use, customary and traditional Native use in the --
16 when we first set this up, it took in primarily the
17 villages.

18
19 CHAIRMAN THOMAS: That's a good question because
20 ANILCA speaks to rural as rural, meaning everybody that
21 resides in that area. We get to C&T, all of a sudden
22 the focus goes to the indigenous people. So, do you
23 guys have a response to that?

24
25 MS. MASON: Okay. I don't know what you mean by
26 that, but once an area is rural or is declared rural
27 then there has to be C&T eligibility in addition to
28 that. Just being declared rural does not entail any
29 C&T eligibility. However, the subsistence program does
30 not make any rural or non-rural communities, so it
31 would have to be rural first before any C&T can be
32 based on it. Do you have...

33
34 MR KNAUER: Right. And then the C&T finding is
35 based on the community or area, not on the individuals,
36 not on an individual or some group within that
37 community or area.

38
39 CHAIRMAN THOMAS: I got a letter from a concerned
40 citizen at Point Baker before I left. Did you get a
41 copy? And is Point Baker not considered rural? It's a
42 community of about 60 people.

43
44 MS. MASON: Point Baker should be rural.

45
46 CHAIRMAN THOMAS: I'm only reading you verbatim
47 what I got. I'm trying to avert a lawsuit -- my buddy
48 Gretchen. You guys know Gretchen? She says that these
49 rural, these rural considerations, it really impedes
50 their opportunity to subsist. Okay. She sent me a
51 copy of their response to the Lab Day draft EIS.

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1 Here's what it reads: "Enclosed is my response to the
2 Lab Bay Draft EIS." The chair of the local advisory
3 committee is supposed to get in touch with you about
4 having the regional council take a position on our loss
5 of subsistence. I hope the council can consider the
6 issue as it means severe hunting restrictions in our
7 area. I don't cabiche (ph).
8
9 MS. ROBINSON: Well, it sounds to me, what she's
10 talking about there, is logging affecting the
11 subsistence.
12
13 CHAIRMAN THOMAS: So she sent in the wrong form.
14 Anyway, I didn't know, and if -- I thought they were
15 considered rural and that they had the same privileges
16 of rural people, but they're also in the path of some
17 pretty heavy duty harvesting. Right? Is that what
18 it's all about?
19
20 MS. MASON: Yes. They're in the Lab Bay area.
21
22 CHAIRMAN THOMAS: Yeah. Okay. So we're advised
23 of that and I have to admire their taking the time to
24 let us know about that.
25
26 MR. CLARK: Mr. Chairman, who's this letter from?
27
28 CHAIRMAN THOMAS: Gretchen Goldstein. Point
29 Baker. Are we ready for our designated hunter update?
30
31 MS. GARZA: We did that.
32
33 MR. CLARK: We did that.
34
35 CHAIRMAN THOMAS: So we're not ready for it.
36 Don't embarrass the chair. We're into New Business.
37 Subpart D, Changes to Proposals.
38
39 MS. LE CORNU: Can I back up one minute, here,
40 Bill?
41
42 CHAIRMAN THOMAS: Sure thing.
43
44 MS. LE CORNU: I'm still confused on this rural
45 thing. You know, if we can make these definitions in
46 who is rural and Point Baker is rural, but they're not
47 customary and traditional users, but automatically
48 they're right in there with the customary and
49 traditional users enjoying a priority, I guess.
50
51 CHAIRMAN THOMAS: I guess that's a point that was

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1 crossing my mind when it came to my mind to mention --
2 I meant to mention that if they were rural -- I haven't
3 studied the criteria well enough to know how to
4 approach that. I guess what I'm asking is is it
5 anticipated that there'll be some rural areas that will
6 not have a C&T determination?
7

8 MS. MASON: There could be. Yes. There could
9 well be, that your findings were that those, the people
10 in certain communities did not use, traditionally use a
11 certain resource, so despite the fact that they're
12 rural, they would not have C&T eligibility.
13

14 MR. KNAUER: In a case like that, they still
15 would be able to harvest resources, but it would be
16 under the regulations provided by the state.
17

18 CHAIRMAN THOMAS: Sure. Sure.
19

20 MS. LE CORNU: That's right. We wanted them to
21 understand that. The state should be the one to
22 provide that for them, not the subsistence users.
23

24 CHAIRMAN THOMAS: Sandy.
25

26 MR. RABINOWITCH: Mr. Chairman, just an example
27 of the point you were making, that in some parts of the
28 state, and I'm not familiar here in Southeast, so
29 please excuse my ignorance, but in some parts of the
30 state some people, for example, let's say that they
31 never have hunted brown bear and they don't have an
32 interest in hunting brown bear, where in other parts it
33 would be just the opposite, they always have and they
34 continue to be very interested, so if the community was
35 totally together, "We never hunted that species. We
36 don't want to hunt that species," then they may not, if
37 you will, get C&T for that species. I'm just trying to
38 create an example that I've heard discussion of in
39 other parts of the state.
40

41 CHAIRMAN THOMAS. Thank you. We'll just have to
42 see what our findings bring us, I guess, on that whole
43 thing. This is a good area to do all that.
44

45 MS. WILSON: Mr. Chairman?
46

47 CHAIRMAN THOMAS: Marilyn.
48

49 MS. WILSON: I was asking you a while ago what's
50 the criteria or the time line for designating customary
51 and traditional use in one area. I said is there a

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1 time limit and...
2
3 CHAIRMAN THOMAS: No, I thought you mean going
4 back.
5
6 MS. WILSON: Yes. Going back how far you had
7 used the resource.
8
9 CHAIRMAN THOMAS: Okay. What Marilyn was asking,
10 did you understand her question? She wanted to know --
11 okay. If I suggest to you that this is customary and
12 traditional, do I have to demonstrate the time of when
13 this began?
14
15 MS. MASON: There isn't any date that is set in
16 concrete that the board uses for that, but it has been
17 suggested that 50 years be set as the cut-off point of
18 demonstrating customary and traditional use.
19
20 CHAIRMAN THOMAS: Fifty years is pretty liberal.
21 UNIDENTIFIED: Fifty years -- that could open it
22 up to non-Natives then.
23
24 MS. MASON: Yes.
25
26 CHAIRMAN THOMAS: I'm more customary and
27 traditional than that. Sandy.
28
29 MR. RABINOWITCH: Again, just as an example --
30 Rachel might be able to add to this, but you heard her
31 speak a few minutes ago about the community of
32 Whittier, and I forget exactly what you said, but
33 finish and help me out, but my understanding is
34 Whittier, which is not too far from Anchorage, for
35 anyone who's not familiar, it was founded by the U.S.
36 military for purposes of World War II for defensive
37 purposes. So about 1942 that community sprang into
38 existence and has remained, probably as people know,
39 since. Now that council, if I heard you correct, has
40 recommended -- help me out there.
41
42 MS. MASON: It was founded in World War II, so it
43 just is right on the 50-year line and they did end up
44 recommending that it be included, but it was something
45 that was under a lot of discussion.
46
47 MR. RABINOWITCH: So my only point is to -- not
48 to say that that's a criteria, but to say there's an
49 example of something being put forward by another
50 council.
51

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1 CHAIRMAN THOMAS: Dale.
2
3 MR. KANEN: I think the other criteria I've heard
4 besides just a time line is whether or not it's been
5 handed down from a generation to a generation so it
6 passed through several generations. That's also been
7 used as a possible criteria.
8
9 MS. MASON: Yes. And I just learned that it's
10 supposed to be 50 years before 1980, so it would have
11 had to have been before 1930.
12
13 MR. KNAUER: The 50-year time frame is not a hard
14 time frame, but that's a figure that a couple of
15 regional councils have suggested might be appropriate
16 because that would also provide an adequate span of
17 time for the pass-down of at least through two
18 generations, because generations are normally
19 considered, I believe, what, about 30 years or so?
20
21 MS. MASON: Yeah. But it does leave a lot of
22 room for discussion.
23
24 CHAIRMAN THOMAS: Yes. I think that satisfies
25 her question. Marilyn, were you interested in a time
26 line of when the C&T should be submitted, as well?
27
28 MS. WILSON: I was just thinking about what some
29 of the communities like that are rural -- in the rural
30 area. I have a hard time saying that word. They would
31 be considered C&T if they've been since they began or
32 since they had become a community that they'd been
33 using the resource. So it seems probably unfair to say
34 that that's not customary and traditional with them if
35 they've been using it since the...
36
37 CHAIRMAN THOMAS: Yeah, I think a lot of people
38 agree with that. Vic.
39
40 MR. BURGESS: Mr. Chairman, I've watched this
41 problem erupt since '78, and I think without a proper
42 definition of what subsistence is -- that has to be
43 done first or everything else just dashes off into
44 infinity. What you have to do is define, on your
45 terms, what subsistence is, because this law applies to
46 subsistence. That's the basic thrust of it. The issue
47 is subsistence. We have to define it. That's
48 essentially living off the land. There again, you can
49 solve -- it has nothing to do with years. It has to do
50 with attitudes. So I would suggest that you're dealing
51 with issues that you have to start with simple

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1 definitions first. Subsistence. What is subsistence?
2 What is subsistence needs? Check 805. Just what does
3 805 mean? 805, you know, to me is the most important
4 part of Title 8. What is the reasoning behind 805, and
5 you will see that yearly your needs change, or they
6 could change, you know. That's what your report to the
7 Secretary's all about. So 805 -- you have to
8 understand what that 805 means before you can ever
9 solve these little problems.

10
11 CHAIRMAN THOMAS: Well, that's one of the reasons
12 why the term "subsistence" is in the peril that it's
13 in. You can't get two people out of three to agree on
14 what subsistence is. And I'm saying that in a broad
15 sense to say that I think that subsistence, it defines
16 more than living off the land. You could live off the
17 land in a grocery store.

18
19 MR. BURGESS: That's right, Mr. Chairman. That's
20 part of 805 there. You read the start of 805, it will
21 say difference in subsistence usage. So some of your
22 living, or livelihood, will be different in the
23 different regions. Every one of them. That's why the
24 regions were formed.

25
26 CHAIRMAN THOMAS: You'll hear every region -- I
27 don't know that I've heard it from Region 2. Well, all
28 the other regions, and that might include Region 2,
29 will tell you that their interest in subsistence is to
30 fulfill their cultural and traditional practices as
31 things that have become dietary. There's requirements
32 in that nourishment that's part of a person when a
33 person is born. It's like if a parent had a drug
34 addiction. When a child is born it had that same thing
35 in its blood. And the same thing applies with the use
36 of what we refer to as subsistence. People that speak
37 other languages do not like the term "subsistence"
38 because it does not satisfy the intent of what
39 anybody's trying to do. It's interesting that -- when
40 was it, Vic, was it five, six, maybe more years ago?
41 All of a sudden we didn't know what rural was. We
42 didn't know what subsistence was. We didn't know what
43 customary and traditional was. Those words are in the
44 dictionary and have been accepted by the world. When
45 it came to Alaska they didn't have the same meaning.
46 So that's what we deal with here. Dale.

47
48 MR. KANEN: I guess I was also thinking, to
49 further confuse you...

50
51 ~~CHAIRMAN THOMAS: That's impossible.~~

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1
2 MR. KANEN: ...as far as a quick solution, if you
3 were to determine or recommend that, say, a new
4 community down here, such as Edna Bay or Thorne Bay or
5 Coffin Cove, did not have C&T, I think it's still not
6 clear to us bureaucrats, based on Title 8, whether or
7 not an individual, say, from Klawock, who had C&T and a
8 clear tradition and then relocated to a rural community
9 like Thorne Bay would not as an individual be eligible
10 for subsistence.

11
12 CHAIRMAN THOMAS: That's why you have the
13 regional councils. The councils will make those
14 determinations and bring them forward. And so the
15 bureaucrats don't even have to consider that. All
16 they've got to do is trust me.

17
18 MR. KANEN: No. I just didn't want you to think
19 there's a quick fix.

20
21 CHAIRMAN THOMAS: Patty.

22
23 MS. PHILLIPS: I don't know how we can get away
24 from not sub-grouping people. We're just going to have
25 to categorize subsistence users separate from sport
26 users, and we need to find a way to do that within the
27 community so that people in Craig that were born and
28 raised here when there was only 400 people don't lose
29 their subsistence rights when your population grows to
30 2,000. So we're going to have to look at categorizing
31 these people.

32
33 CHAIRMAN THOMAS: Bill.

34
35 MR. KNAUER: Mr. Chairman, in the event of a
36 demand exceeding the resource, there are provisions
37 both in ANILCA and Section 804 and in the regulations
38 that provide for that differentiation. So that is not
39 a thing that initially needs to be considered in the
40 C&T, but in the event of what we call an 804 situation,
41 the council would be consulted on their recommendations
42 on how to handle that and how to separate. There are
43 some guidelines that provide for that.

44
45 CHAIRMAN THOMAS: To answer your question, Patty,
46 subsistence use historically was at the top of the use
47 of any resource. In the course of time, it found its
48 way to the bottom. And you all know what finds the way
49 to the bottom first. So that's how it's required -- I
50 mean that's how it's viewed by some people. It's
51 incumbent on other user groups and their management

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1 schemes and their disciplines in harvesting to ensure
2 that those stocks don't get below a level that best --
3 if a stock gets below a level to maintain subsistence
4 use, the whole industry's in trouble and I think people
5 know that. I don't think the responsibility had been
6 embraced for a long time, but it can't go on without
7 being embraced anymore. So, regardless of how many
8 people reside in an eligibility area, management should
9 be such to where those resources shouldn't be in peril
10 enough to where subsistence practices can't be
11 exercised.

12
13 MS. PHILLIPS: Exactly.

14
15 CHAIRMAN THOMAS: Dolly, was that a recognition?
16 Okay.

17
18 MS. GARZA: I guess, you know, we're discussing a
19 subject that has been discussed for at least a decade
20 and I don't think that a clear consensus has come about
21 and I'm not sure that we're going to come to consensus
22 here on it, and I think we need to get back to the
23 agenda, the process we're going to be following. It's
24 my understanding that it's the responsibility of this
25 council to look at requests for C&T and requests for
26 rural, non-rural and to consider them and that we'll
27 consider them at that time and that will take all of
28 this discussion into account as to, you know, what is a
29 community made of, what are their interests in the
30 resource and make those decisions one by one, because
31 each community is going to be much different than the
32 others. I think that Southeast is probably different
33 than other regions because we have a number of new
34 logging camps that likely, although rural, will not
35 obviously be C&T, but we do have a number of small
36 rural communities that are not traditionally Native
37 communities, but nonetheless have a strong reliance on
38 resources.

39
40 CHAIRMAN THOMAS: Thank you, Dolly. And we'll
41 come back to our agenda. Mr. Coordinator, do you want
42 to lead us into this?

43
44 MR. CLARK: One moment. Would you just pass
45 those around? It's just for additional information.

46
47 CHAIRMAN THOMAS: We're on New Business, item A.

48
49 MR. CLARK: Mr. Chairman, those are just being
50 passed out for additional information that may be
51 pertinent to the letter that the council's developing.

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1
2 CHAIRMAN THOMAS: We don't pass out in this
3 council. We distribute.
4

5 MR. CLARK: I'm sure that's a matter of opinion.
6 Pardon me. It took me a minute to get this together.
7 I gave away my booklet and had to find a new one.
8 Under New Business, subpart D, Changes to the Proposed
9 Rule, the original draft agenda under that section had
10 the whole process of looking at proposals, individual
11 proposals, that was more fitting for the spring/winter
12 meeting than for the fall meeting, so what I did is I
13 shortened that up to -- so after you get ready to deal
14 with individual proposals there would be an
15 introduction of each proposal, some consideration of
16 the council and the public and then the council's
17 deliberation and action should the council wish to act
18 on each of the proposals.
19

20 In your booklet there are the proposed rules for
21 the 1996-1997 federal subsistence regulations. And I'd
22 like to ask Bill Knauer to help me out on this
23 especially. It's my understanding that there is no
24 change in these proposed rules from the existing
25 regulations.
26

27 CHAIRMAN THOMAS: Bill, while they're street-
28 cleaning outside, maybe you could move to the front
29 table, if you would. They think there's a Serb
30 neighborhood here. Thank you.
31

32 MR. KNAUER: Fred is correct. The proposed rule
33 this year has no changes from the final rule of last
34 year. There are -- the proposed rule always uses the
35 past year's rule as the basis. That's the way we've
36 done it. It's something that you're familiar with, and
37 it gives you a starting point. In the past years there
38 have been some minor changes, some corrections. This
39 year there are none in there.
40

41 CHAIRMAN THOMAS: So the proposal is left like it
42 was?
43

44 MR. KNAUER: That's correct. And any proposals
45 you might have or may wish to consider would be changes
46 from what you see there.
47

48 CHAIRMAN THOMAS: The chairman is immersed in
49 bewilderment. Can the council help me out here? Do
50 you guys have any wishes or druthers or do you folks?
51 Does staff have any suggestions on...

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1
2 MS. GARZA: I have a couple questions. I can't
3 remember how it worked last year, but I think the
4 process was that we were notified of these proposed
5 changes and then it's listed in here that there is a
6 period during which proposals can be submitted, after
7 which we review them, but when we review them in
8 February in Wrangell, we will not at that time have the
9 ability to submit proposals of our own, so this would
10 be our only time frame to do so as a council.

11
12 MR. KNAUER: The comment period or the period for
13 submitting proposals goes through October 27th. You
14 can submit proposals as a council. You could submit
15 proposals individually. At your February meeting, you
16 will receive -- well, prior to your February meeting,
17 you will have received a booklet with all the proposals
18 that have been submitted thus far and at the February
19 meeting ask to review and make your recommendations on
20 those proposals affecting the Southeast region or ones
21 that deal statewide. There may be at that time
22 suggestions that you may wish to make regarding some of
23 the proposals. In other words, you make think that a
24 certain proposal, the basis of it is very good, but
25 there may need to be a little tweaking to make it more
26 appropo to the user or more protective of the resource,
27 but you are correct that you would not be able to
28 submit a totally new proposal at that time.

29
30 CHAIRMAN THOMAS: So then we would then
31 anticipate then to take these proposed regulations with
32 us and match it up against existing regulations and
33 offer any changes that we would like to be considered.
34 So at this time I don't -- it's apparent we don't have
35 any now. So we won't be doing that now.

36
37 MR. KNAUER: (Inaudible affirmative response.)

38
39 CHAIRMAN THOMAS: Sandy.

40
41 MR. RABINOWITCH: Excuse me. A point of
42 clarification of something Bill said, because I think
43 it might be important to the council. Bill, did you
44 say that if the council did not report any proposals
45 today that they could do so up to October 27th, and
46 that's what I thought I heard, and my point is that if
47 that's what you said, I think it might be technically
48 in error in that the council can only act in a session
49 like this. It couldn't act as a council without having
50 a proper meeting and so that if the council wanted to
51 report actually a member of the council would have to

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1 do that if it were done after this meeting ends.

2
3 MR. KNAUER: They could certainly initiate one
4 now and create a group that says, you know, we're going
5 to prepare a proposal on such and such.

6
7 MR. RABINOWITCH: And then the proposal can come
8 along prior to this date.

9
10 MR. KNAUER: Yes.

11
12 MR. RABINOWITCH: Right. But you would have to
13 take some action today indicating that you wanted that
14 to go along.

15
16 CHAIRMAN THOMAS: Either that or we could look
17 for money that isn't there and have a special meeting
18 because our rules say that we meet at least twice a
19 year.

20
21 MR. CLARK: That's correct.

22
23 CHAIRMAN THOMAS: It doesn't say that we're
24 limited to two meetings a year. We meet at least twice
25 a year. Sandy.

26
27 MR. RABINOWITCH: Just to explain the reason I'm
28 bringing that up is to attempt to help avoid somebody
29 later on making a claim that a council action was done
30 in an improper manner. Without publically noticing,
31 opportunity to...

32
33 CHAIRMAN THOMAS: Appreciate that.

34
35 MR. KNAUER: All of the regional councils are
36 chartered and have to operate under the Federal
37 Advisory Committee Act and that has certain rules that
38 say that your meetings have to be noticed in the
39 Federal Register at least 15 days in advance and that's
40 one of the reasons why we asked that you set your time
41 and location far enough in advance so that we can
42 publish that notice. They have to be open to the
43 public. Records have to be available and so on. And
44 there has been court cases where an agency has been
45 unable to follow recommendations of an advisory group
46 because they had not followed the procedures of the
47 Federal Advisory Committee Act. We have been working
48 very diligently and the councils up here have been very
49 cooperative and we have been able to follow those
50 procedures, which are to the benefit of both the
51 council and the public in the operating (ph).

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1
2 CHAIRMAN THOMAS: I don't think we have any
3 ambitions of changing that, but there might be a point
4 and time when we can't avoid that. Dolly?

5
6 MS. GARZA: I guess the two areas that I think
7 this council should consider discussing and deciding if
8 we should do something now as opposed to in February
9 when our time to submit a proposal as a group is gone,
10 is, one: To deal with C&T or whatever new issues we
11 have in regards to fishing in freshwater streams, given
12 the Katie John decision. The second one would be to do
13 a cursory review and walk-through of the C&T proposals
14 that are in the packet to determine if we should be
15 suggesting anything, either combining, eliminating or
16 forwarding any of the proposals that have been
17 submitted in the past and are backlogged.

18
19 CHAIRMAN THOMAS: Do you have a preference?
20 Would you like to offer something I can get a reaction
21 from the council? I'm liking what I'm hearing. I just
22 want to -- the reason I say that about the council is
23 to let the record show that we're still all listening.
24 Vicki, do you have anything?

25
26 MS. LE CORNU: I don't have any.

27
28 CHAIRMAN THOMAS: Patty?

29
30 MS. PHILLIPS: To add to Dolly. The regulation
31 states, "Proposals for changes relating to fish or
32 shellfish regulations and changes to the overall
33 program will not be considered by the board at this
34 time." For us to discuss fish in freshwater, wouldn't
35 that have to be deleted?

36
37 MR. KNAUER: That's what we've been talking about
38 earlier, but the board is, because of the situation
39 with the litigation and the petition is not opening up
40 to proposals now. Also you mentioned freshwater --
41 it's not all freshwater. It's only the non-navigable
42 portions of the freshwater, which is a very limited
43 area on most parts of the forest, and generally very
44 little subsistence occurs in those non-navigable
45 portions.

46
47 MS. GARZA: Well, I guess I disagree with you
48 there, and I think that this council can go through the
49 process of determining what areas should be considered
50 non-navigable. I take strong opposition to having
51 agency people off in a corner deciding what's navigable

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1 and what's non-navigable, because I think it is open to
2 interpretation and I think that we're going to go
3 around and around and around with this because the
4 majority of our subsistence resources are fishery
5 based. And you know we're not going to keep saying,
6 okay, we'll put it off for five or 10 more years. I
7 mean it has to be dealt with and I think that if we
8 have an opportunity to start that process now, however
9 small it may be, we should.

10
11 MS. LE CORNU: I have one thing to add to that,
12 is that I think the people advocating for the fishing
13 rights in the court didn't want to deal with navigable
14 -- what I heard in the last report when we met in
15 Hoonah I think it was, they wanted to deal with
16 navigable, non-navigable, but what the real issue is is
17 that their water rights. Those are higher standards.
18 So we, as a board, have to advocate for those higher
19 standards. You know, seeing that the court is not
20 settled.

21
22 MR. KANEN: Yes. Bill, what's the difference in
23 -- I think I hear Hydaburg requesting to consider
24 perhaps a C&T on fish species in fresh water. What's
25 the difference between that request and the quick C&T
26 that your agency, Fish and Wildlife Service, did for
27 rainbow trout on the Y-K Delta, which is navigable?

28
29 MR. KNAUER: The interim C&T that was done for
30 rainbow trout on the Y-K Delta was not done in
31 navigable waters. That was only -- it was only done
32 for non-navigable areas. And the issue of navigability
33 and non-navigability is not something that we, as an
34 agency, decide. It is an adjudicated process handled
35 by the federal agency specifically dealing with that.
36 It's not something that we have any jurisdiction over.

37
38 MS. GARZA: But as an example, the steelhead
39 stream in Hydaburg. I mean, no one, no one navigates
40 that stream. I mean it is a non-navigable stream, but
41 steelhead is not in here and it should be, you know.
42 And I think that there are small areas that we should
43 start tackling so that we get familiar with the process
44 and that we're able to deal with the larger issue when
45 it comes about.

46
47 MS. LE CORNU: Not to mention the people that are
48 getting cited for illegal fishing.

49
50 CHAIRMAN THOMAS: Mim.
51

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1 MS. ROBINSON: It seems to me that this can be
2 dealt with once we go home and identify the areas that
3 are critical in our units and come back, that -- the
4 Hydaburg one would be one that we could deal with at
5 that time. That this is, to me, this is part of the
6 process of identifying the priority issues, and if
7 there happen to be some on non-navigable waters, then
8 we could certainly look at those later, you know, the
9 next meeting. Whatever is a priority item, you know,
10 start dealing with it. But as far as dealing with the
11 overall picture of fish, fisheries, that whole aspect,
12 for the most part I'd rather not spend the time on it,
13 because there's nothing that's been decided yet and it
14 could go either way, so I'd rather, you know, deal with
15 what we can deal with that the board will deal with and
16 not waste our time on anything else at this time. If
17 it looks like there's going to be a time when we can
18 that it would be worth our while, then yes, let's go
19 for it. It needs to be dealt with, for sure. But
20 it's, you know, it's frustrating for everyone, but
21 still, I still think we shouldn't waste our time on it
22 if we can't go anywhere with it. It's going to be a
23 long process regardless.

24
25 CHAIRMAN THOMAS: Patty? Then I'll give Dolly --
26 she's pondering the whole...

27
28 MS. PHILLIPS: To change subpart D, we need a
29 motion? Is that...

30
31 CHAIRMAN THOMAS: Uh-huh.

32
33 MS. PHILLIPS: So I move to delete "proposals for
34 changes relating to fish or shellfish regulations,
35 changes to the overall program will not be considered
36 by the board at this time."

37
38 CHAIRMAN THOMAS: No, wait. Listen. We don't
39 change this. We change the proposals that are made
40 under subpart D.

41
42 MS. PHILLIPS: Oh. I guess I don't understand.

43
44 CHAIRMAN THOMAS: Change the proposals.

45
46 MR. KNAUER: What you're reading right there is
47 what's called the preamble or the introductory
48 language.

49
50 MS. PHILLIPS: I thought we made changes to

51 42086.

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1 MS. ROBINSON: What page are you on, Patty?
2
3
4 MS. PHILLIPS: 42086. Middle row. F. Under the
5 public review process. F. I thought we made changes
6 to this before or...
7
8 MS. ROBINSON: I think we commented on them.
9
10 MS. PHILLIPS: Oh, I see. Okay, so what are we
11 -- I guess I'm confused as to...
12
13 MR. KNAUER: What you will be making proposals to
14 change are the actual regulations themselves, which
15 actually start over on 42087.
16
17 CHAIRMAN THOMAS: So is this a an error in the
18 introduction on the agenda, "Changes to proposed
19 rules"? Would that be an error? Because I think
20 that's what you're offering, right? A change in the
21 proposed rules.
22
23 MR. KNAUER: The proposed rules -- what you're
24 looking at is introductory language to the proposed
25 rules, and what you want to offer are changes to the
26 proposed rules itself, not the introductory language.
27 The introductory language just provides you a little
28 bit of background of where we've been, where we're
29 going and why we're doing it, and what we're accepting
30 proposals on.
31
32 MS. GARZA: So where does the proposals start?
33
34 CHAIRMAN THOMAS: Well, maybe we'd better spend
35 more time here. Where does the proposed rules begin in
36 here, then?
37
38 MR. KNAUER: The actual proposed rule starts on
39 the bottom right column of 42087.
40
41 MR. CLARK: Mr. Chairman, if I may?
42
43 MS. GARZA: So, Part blank Subsistence Management
44 Regulations for Public Lands in Alaska. Is that the
45 title, the heading?
46
47 MR. KNAUER: That is where it starts.
48
49 MR. CLARK: I was just going to ask Bill if there
50 are any changes in the introductory language between
51 ~~this and the previous years' regulations.~~

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1
2 MR. KNAUER: The change in introductory language.
3 There is some differences in the navigable waters that
4 explains why the Federal Subsistence Board is not
5 receiving proposals on fish and shellfish. It talks a
6 little about the Katie John case and the Quinhagak in
7 the petition. But again, that's background and
8 introductory language to explain why the board is not
9 accepting proposals on that.

10
11 MS. PHILLIPS: Okay. I withdraw my motion.
12

13 CHAIRMAN THOMAS: Okay. Well, don't feel bad. I
14 wasn't going to put a...
15

16 MR. KNAUER: It's a learning process for
17 everybody and regulations are extremely difficult.
18 You'll be lucky to find two people in an agency that
19 are familiar with the regulatory process. It's a very
20 complex thing and you all are doing remarkably well in
21 understanding the process and the comprehension that
22 allows you to be so effective.
23

24 MS. GARZA: So, Mr. Chairman?
25

26 CHAIRMAN THOMAS: Dolly.
27

28 MS. GARZA: So, under there -- I've sort of
29 figured this out. Under the navigable waters section
30 it says, "No attempt is being made to alter fish and
31 shellfish portions of the regulations." So that was a
32 decision of the Federal Subsistence Board?
33

34 MR. KNAUER: And the Washington solicitors,
35 because the Katie John case is still under appeal and
36 adjustment and also because of the Northwest Arctic
37 Regional Council petition. We anticipate that there
38 will be some final guidance provided by the courts or
39 the Secretaries within the next year on that, at which
40 time we'll know better whether we'll be reconvening
41 councils. It may be a situation, at one extreme, where
42 there may have to be additional councils established
43 because of the workload. We don't know. It could be
44 anything. It could be the courts say, "No. All of
45 that is under state jurisdiction." We don't know at
46 this point.
47

48 CHAIRMAN THOMAS: Mim.
49

50 MS. ROBINSON: In there it says, it refers to
51 sections blank 26 and blank 27. Where are those? Are

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1 they in here?

2
3 MR. KNAUER: No. They're not reproduced in here,
4 but they would be the fish and shellfish sections of
5 the salmon-colored book.

6
7 MS. ROBINSON: Okay.

8
9 MR. KNAUER: Right. Essentially what the
10 salmon-colored book is these regulations put in a
11 little bit more readable format. So if you feel more
12 comfortable operating from that to develop a proposed
13 regulation instead of this, that's acceptable also. If
14 you'll notice in the salmon-colored book, it puts the
15 C&T determination right beside the regulation for the
16 area. The annual regulation normally says how many,
17 how and when. C&T normally says what species, who and
18 where.

19
20 MS. ROBINSON: And the harvest amount. Are we
21 supposed to be coming up with proposals right now?
22 Where are we going with this?

23
24 CHAIRMAN THOMAS: Well, this is -- I'm thinking
25 the same thing. That's why I said that I don't know,
26 and we may, if we do come up with anything to have a
27 hint of proposals to be considered would be great. I
28 don't know that we'll be able to do that today. That's
29 why I suggested that we took the time of what's left of
30 the window and then call a special meeting to make sure
31 that whatever we do is sanctioned and it's proper in
32 the process. Dolly.

33
34 MS. GARZA: I have a lousy memory, but last year
35 I think we did do one proposal and that was the deer,
36 the designated hunter proposal, and I don't know of any
37 issue that's that similar in being Southeast-wide that
38 we would come up with a proposal now, and so perhaps
39 the other option would be to look at the backlog of C&T
40 proposals in the packet and decide which we would want
41 to forward or consider or consolidate or whatever.

42
43 CHAIRMAN THOMAS: These RFPs go to all the
44 communities, do they? The request for proposals.

45
46 MR. KNAUER: Yes sir. The packet, the request
47 for proposals which I see a copy there on Dolly's, with
48 the brown cover, gets sent out to communities, organi-
49 zations and individuals all over the state. The
50 mailing list is somewhere in the neighborhood of 3,000
51 or so.

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1
2 CHAIRMAN THOMAS: Is that statewide?
3
4 MR. KNAUER: Statewide.
5
6 MS. ROBINSON: I received three at my house.
7
8 CHAIRMAN THOMAS: I got two.
9
10 MS. GARZA: Well, see that's why you don't get
11 the list of people. You get three of those; I only get
12 one.
13
14 CHAIRMAN THOMAS: So I would like to ask for some
15 guidance from the council on this. I think I recognize
16 a more committed interest in being more representative
17 in this process to the region. And we're just kind of
18 at loose ends right now on what we think will be best,.
19 Right now I'm kind of inclined to put my trust in the
20 response of the communities that have been solicited.
21 Mim?
22
23 MS. ROBINSON: I have not heard of any burning
24 issue other than the recent decision by the Federal
25 Subsistence Board to not change that regulation for
26 Prince of Wales Island. I think that that will be --
27 there will probably be proposals put in that we will be
28 looking at at our next meeting to make comments on and
29 we can deal with that at that time. That's the only
30 issue that comes to mind.
31
32 CHAIRMAN THOMAS: That's a good point. I was in
33 Anchorage for that meeting when that was brought up for
34 consideration. Some of the discussion occurred before
35 the board took any action on it. They were very
36 careful to get as much reaction and input from those
37 that were in attendance. That included agencies, staff
38 and the council. I represented the council. And the
39 thing that seemed to be the most welcome there was the
40 fact, the nature of that regulations, probably the best
41 regulation in the book because it's going to be so
42 widely scrutinized and if at any time that action
43 results in a negative impact on the populations,
44 consideration will be to adjust or to eliminate that
45 provision, and that's what happened in that -- at the
46 board meeting. And I think that was a good ruling. So
47 it doesn't threaten the regulation. It doesn't
48 jeopardize it, but it makes it responsible. If every
49 regulation was as responsible as that one, we'd be in
50 good shape. Mim.
51

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1 MS. ROBINSON: Okay. That's the only issue that
 2 comes to mind that I've heard anything about that
 3 effects a large area. I know from my community there's
 4 nothing pressing there. We probably won't be
 5 submitting any proposals this year. So I don't know.
 6 I mean we could go ahead and look at the C&T thing, but
 7 there was also the request that we go back to our
 8 communities and prioritize our issues and bring those
 9 back with us and discuss the C&T at our next meeting.
 10 So, we could do either way, I suppose. I mean, I'd
 11 probably feel just as comfortable doing it now as I
 12 would then. I don't think anything would change.

13
 14 CHAIRMAN THOMAS: Speaking of that, in soliciting
 15 to other communities, which is probably something we
 16 should consider doing as a council, if we put together
 17 that soliciting document so that we all know what it's
 18 going to say and where it's going to go, and that would
 19 be to every community in Southeast. So that could be
 20 one of our agenda items for this meeting.

21
 22 MS. GARZA: We direct the chairman to do it.

23
 24 CHAIRMAN THOMAS: I withdraw the recommendation.

25
 26 MS. GARZA: Mr. Chairman, I would recommend that
 27 we take an early lunch and come back and be prepared to
 28 look at the backlog of C&T issues to consider.

29
 30 CHAIRMAN THOMAS: Could you be specific on
 31 "early"?
 32

33 MS. GARZA: Like right now. It's 11:30. Come
 34 back at 1:00.

35
 36 CHAIRMAN THOMAS: We are on lunch break now until
 37 1 o'clock. We're going to come back and look at C&Ts.
 38 Remember my admonitions to you. Don't discuss this
 39 among yourselves or with anybody else. If it doesn't
 40 fit, you must acquit.

41
 42 (Off record - 11:35 a.m.)

43 (On record - 1:18 p.m.)
 44

45 CHAIRMAN THOMAS: Hank just shared with me an
 46 easier to read version of Don Young's account as
 47 prepared by the media. Listen to this: "Throwing a
 48 new wrinkle into an already raging debate,
 49 Representative Don Young of rural Alaska" -- is that
 50 rural Alaska or is it Republican Alaska? R-Alaska.
 51 That's rural?

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1
2 MR. NEWHOUSE: Republican.
3
4 CHAIRMAN THOMAS: ..."Thursday, filed legislation
5 to transfer control of the Tongass National Forest from
6 the federal level to the state. The people who live
7 there should have the say." Who are we? We don't live
8 here?
9
10 MS. LE CORNU: You don't speak English?
11
12 CHAIRMAN THOMAS: No speaka the English? Here's
13 how they spelled management: C-O-N-T-R-O-L. Pretty
14 exciting, huh? Maybe that's good for some people, but
15 for what we're trying to do, it's double dealing. I
16 guess that's the point I'm trying to make in a nut
17 shell. But it's here to review. Where'd we leave off
18 at? Are we still on...
19
20 MS. MASON: No, I had discussed with Fred that
21 maybe the two of us would sit here while you're going
22 through the C&T proposals.
23
24 CHAIRMAN THOMAS: Okay. Let's do that. Another
25 request from the recorder. I'm not going to restrict
26 discussion just to the council. We'll still take input
27 from the floor, but when I recognize you, please come
28 up and speak at the table because this is to -- this is
29 a courtesy to the recorder. She's having a difficult
30 time without you coming to the table, so if you would
31 do that, that would help.
32
33 MR. CLARK: Mr. Chairman?
34
35 CHAIRMAN THOMAS: Fred.
36
37 MR. CLARK: Ken Thompson is finishing up the
38 copying on that section of the transcripts from the
39 last meeting having to do with the annual report, just
40 for your information. That will be distributed soon.
41 It won't be passed out. It will just be distributed.
42
43 CHAIRMAN THOMAS: Okay. Good. That's much more
44 coherent. As I use the resources I have available to
45 me, I become wiser by the minute. I was looking in
46 ANILCA under 805, with reference to the annual reports
47 to the Secretary, and it takes it verbatim and puts it
48 into our manual: "Identification of current and
49 anticipated subsistence use of fish and wildlife
50 populations within the regions." So since we're not
51 dealing with fish, I think we just are reporting.

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1 Wouldn't that work?
2
3 MR. KNAUER: That's correct.
4
5 CHAIRMAN THOMAS: Okay. Thank you. I feel like
6 that's my only contribution to this meeting so far. So
7 we need to take a look at our C&T listings. We'll just
8 walk through them and see what we can do with them.
9 It's in the brown folder, toward the last -- it's
10 follows the blank sheet. All the way back. And the
11 print is rearranged on the paper. There you go. If
12 you've got to look at it like this, you're in the right
13 spot. Okay. Would staff be willing to read as we went
14 along and you read them and let us mull it over. That
15 way we'll give you the blame for any context that's in
16 here. Would you do that?
17
18 MS. CLARK: Certainly. The first one -- it may
19 be good to refer to them by their tracking code, which
20 is on the far right side.
21
22 CHAIRMAN THOMAS: 018080?
23
24 MR. CLARK: C080. Start there and then work
25 down. So, first for consideration, tracking code
26 number C080. This has to do with unit 1, brown bear.
27 Would the council prefer talking about the existing
28 determination before the requested determination?
29 Would that make more sense?
30
31 CHAIRMAN THOMAS: Sure. Sure.
32
33 MR. CLARK: Okay. The existing determination is
34 for unit 1, brown bear. "No determination except no
35 subsistence for residents of Wrangell, Klukwan, Haines
36 and Skagway." Requested determination by the state's
37 Southeast Regional Fish and Game Council is to delete
38 "No determination except no subsistence for residents
39 of Wrangell, Klukwan, Haines and Skagway."
40
41 CHAIRMAN THOMAS: So, period after...
42
43 MR. CLARK: That just removes everything. It
44 removes the whole determination. So it would be no
45 determination.
46
47 CHAIRMAN THOMAS: Okay. Marilyn, does that sound
48 agreeable? What's it's saying is that right now the
49 existing one says...
50
51 MS. WILSON: I know what it says.

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1
2 CHAIRMAN THOMAS: ...and then the other one here
3 removes that. If we adopt the requested, there would
4 be no exceptions. Everybody would have -- the C&T
5 would be inclusive then, wouldn't it?

6
7 MR. CLARK: Yes.

8
9 MS. WILSON: Did that just happen this year at
10 the state regional council?

11
12 MS. ROBINSON: There isn't a state regional
13 council.

14
15 MS. WILSON: I didn't think so.

16
17 MR. CLARK: No. The dates aren't included here.
18 Is the date given on the longer version, Rachel?

19
20 MS. MASON: Yes, it is, but they're not in order.
21 That one was from '92.

22
23 MS. WILSON: Okay. We've been trying to get that
24 up there, open season more than every four years, it
25 used to be, and I guess it's determined not only in
26 Haines but the whole Alaska. They can't change it just
27 for Haines, but this is a C&T determination.

28
29 MS. GARZA: Excuse me. Mr. Chairman?

30
31 CHAIRMAN THOMAS: Dolly.

32
33 MS. GARZA: I guess what I'm trying to do is
34 figure out where this fits into the notice that went
35 out. So does this fit into these pages where it has
36 C&T determinations? Okay. And so we would just look
37 under the correct unit and find...

38
39 MS. MASON: Mr. Chairman, I can clarify that.
40 What we're looking at is the backlog of C&T requests.

41
42 MS. GARZA: Okay. But it says something is
43 existing here, so I'm trying to find what's existing in
44 the document. Okay. What unit is this?

45
46 MS. LE CORNU: Unit 1.

47
48 MS. GARZA: Okay. So under unit 1 there is a
49 brown bear and it says, "No determination except no
50 subsistence for residents of Wrangell, Klukwan, Haines
51 and Skagway." So if we eliminate that, then that

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1 section will be blank?

2
3 MS. PHILLIPS: Well, no, the next one down, we
4 could put that one it.

5
6 CHAIRMAN THOMAS: Mr. Knauer.

7
8 MR. KNAUER: Mr. Chairman, both 80 and 88, if you
9 were to eliminate that statement, it would become a no
10 determination. No determination means that it's open
11 to any rural Alaskan resident. So that would mean any
12 of the residents in Wrangell, Klukwan, Haines, Skagway
13 or any of the other rural areas would be eligible. It
14 would not specify particular communities. So it would
15 be more general and at some later time, if there were
16 significant competition, then it might be appropriate
17 to narrow that scope in exactly which communities
18 really had C&T in there, but a no determination would
19 still provide an opportunity for the residents to have
20 a priority.

21
22 MS. GARZA: Okay. Now when you were saying that,
23 you had said that if there's nothing and there's no
24 determination, then it would allow rural residents in
25 those four listed communities?

26
27 MR. KNAUER: In any rural community.

28
29 MS. GARZA: From Ketchikan up?

30
31 MR. CLARK: In the state.

32
33 MS. GARZA: Only from the same unit?

34
35 MR. CLARK: No. Within the state.

36
37 MR. KNAUER: Anywhere.

38
39 MS. GARZA: Okay. So we don't want that.

40
41 CHAIRMAN THOMAS: Vic.

42
43 MR. BURGESS: Mr. Chairman, Victor Burgess. Now
44 this refers to the last meeting we ever had, March 16,
45 1992, and it's the first time that I've ever heard
46 about any recommendation being accepted. We had a
47 whole list of them. We took two days working on these.
48 Well, it's a list of Southeast Regional Council
49 recommendations. I'll let you run copies of that if
50 you want.
51

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1 CHAIRMAN THOMAS: Oh, this is a state regional
2 council.

3
4 MR. BURGESS: Yeah.

5
6 CHAIRMAN THOMAS: Okay. Thank you, Vic. Do we
7 have a qualified copy operator that would like to
8 volunteer? The stipend is \$30.00 per sheet if you'd
9 like to do that. Keep track of the sheets and we pay
10 you accordingly. Thank you very much.

11
12 MS. GARZA: So I guess on this brown bear thing,
13 since the requester was the Southeast Regional Fish and
14 Game Council and Ann Lowe, and it looks like both of
15 those requests are similar, neither appears to be
16 something from Klukwan, Haines, Wrangell or Petersburg,
17 unless they were unanimous in support of this, and so
18 I'm not really sure how we should consider it without
19 any kind of discussion from John or Marilyn. So maybe
20 we need to hear from you guys.

21
22 MS. WILSON: I'm a little confused now. This
23 unit 1 is all of the coastal line of Southeast, right?
24 The whole coastal line. I know it's split up to 1D,
25 1C, 1B, 1A.

26
27 MR. FELLER: Yes. It refers to the mainland.

28
29 MS. WILSON: So we're talking about the whole
30 unit, all down the coast, not just up in unit 1D.

31
32 MS. MASON: Right. It goes all the way from
33 Glacier Bay...

34
35 MS. WILSON: Up in Haines area and Klukwan, we
36 have a very terrible bear problem. The bears are
37 coming into town quite a bit and into the garbage
38 dumps, but a lot of them are into town. That's the
39 brown bears. And so we've got a very big population up
40 there of brown bear.

41
42 CHAIRMAN THOMAS: We won't be able to say that in
43 the C&T area, even though that's the case.

44
45 MS. WILSON: Well, I'm just enlightening argument
46 there.

47
48 CHAIRMAN THOMAS: Yeah. Thank you. Have you
49 had any discussion in the community, though, around
50 customary and traditional users of the brown bears?

51
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1 MS. WILSON: No. We didn't discuss that in any
2 subsistence proposals until the latter part of our
3 existence. Last part -- last year.

4
5 CHAIRMAN THOMAS: The reason I was asking the
6 question was to see if there would be, if it would be
7 received negatively if we offered that consideration to
8 have a no C&T determination for brown bear, but I would
9 hate to do that as a blanket move when, in fact, it
10 might be of a more serious issue someplace else.
11 What's Wrangell's thoughts? Have you had the
12 opportunity, John, to have any discussion
13 (indiscernible - unclear)?
14

15 MR. FELLER: Yes. Mr. Chairman, there was
16 Richard Reinhart's uncle or grandfather, but that's way
17 back, that made his living hunting bears, hunting brown
18 bear, grizzlies in the Stikine drainage, but I don't
19 know how that would relate. That's similar to the
20 moose C&T. That brings to mind that, when they'd said
21 there was no -- I think it was the Department of Fish
22 and Game said that there was no C&T on the Stikine
23 River except for what was reported out at Petersburg
24 for 1920 for moose, where in fact there was for
25 hundreds of years before by the Tlingits in Wrangell
26 and some of the elders told me stories where there was
27 wars fought over the resources on the Stikine River,
28 and I'm sure that would be C&T, customary and
29 traditional use where they used all the resources, in
30 fact, to defer that -- to deter that war -- excuse me
31 -- they offered the use of it, but the other chief
32 wanted the whole river so that offer wasn't taken. But
33 the war was fought anyway.
34

35 As far as the bear, there -- I don't think there
36 has been any subsistence use for bear up there for over
37 50 years, possibly 100 years.
38

39 CHAIRMAN THOMAS: You know, even with the good
40 input we have at this council, I would be reluctant --
41 I think to go through this would be good. I think we
42 can do this only as a beginning of this process, but I
43 would really be reluctant to come up with a final
44 recommendation without every affected community fully
45 understanding the implications of our direction. See?
46 So let's, just for today, let's go ahead and follow
47 our instincts, our gut feelings, realizing full well
48 that it's only for this meeting. Is that agreeable?
49

50 MS. GARZA: I didn't understand what you said.
51

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1 CHAIRMAN THOMAS: Okay. We'll go through the
 2 process. Okay. Let's say, based on what Marilyn said,
 3 that the problem in Haines is a bear problem. There
 4 are too many of them. They're into the garbage.
 5 They're a nuisance. In Wrangell, chiefs fought wars
 6 over this, so based on that, I don't see any negative
 7 impact by supporting to delete -- or no harm in
 8 supporting this requested determination.
 9

10 MS. WILSON: I was trying to get clarification.
 11 I guess I'm not still familiar with this C&T and it
 12 says, no C&T except for residents -- or no subsistence.
 13 So what this is is C&T determination, use
 14 determination requests. So that's exactly what this
 15 is? If we request that the brown bear be open for Unit
 16 1 or Klukwan, Haines and Skagway -- oh, they left
 17 Wrangell out?
 18

19 CHAIRMAN THOMAS: What would happen if this was
 20 adopted and sanctioned by every community, what that
 21 would say was no matter who lives there can kill a
 22 bear. That's what it's going to mean. But a C&T
 23 determination then would start looking at how long or
 24 try to establish a time or see if it falls within a 50-
 25 year period of customary and traditional use.
 26

27 MS. WILSON: Each community?
 28

29 CHAIRMAN THOMAS: Yes.
 30

31 MS. WILSON: Oh, okay. Thank you.
 32

33 CHAIRMAN THOMAS: John?
 34

35 MR. FELLER: Yes. Like Marilyn said, the same
 36 thing exists there on the Stikine. There's a lot of
 37 bear. Some years past, I climbed up one mountain by
 38 Twin Lakes and we counted around 20 just in the hills
 39 around there, plus goats.
 40

41 CHAIRMAN THOMAS: So based on that, I would be
 42 comfortable in supporting the request, again, just for
 43 today. Dolly?
 44

45 MS. GARZA: I guess I'm still a little bit
 46 confused. I mean, it sort of looks like those are the
 47 only communities within Unit 1, and so it's saying
 48 there's no subsistence use of bear, brown bear, in Unit
 49 1. And I find that, kind of, appalling myself, but I
 50 don't know what the difference is between no deter-
 51 mination on C&T, but no subsistence for these four

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1 communities.

2
3 MS. MASON: Mr. Chairman. I'm not sure if this
4 is exactly what you're asking, but in these rules, when
5 it says no subsistence, it doesn't mean that
6 subsistence users can't use it. It just means that
7 there's no special priority for subsistence users.

8
9 MS. GARZA: So do you have to have a C&T
10 determination before you can have a special subsistence
11 determination?

12
13 MS. MASON: Yes. Because when the board took
14 over from the state regulations, they just adopted the
15 existing C&T determinations on the book. So that any
16 ones that are already in the regulations stating that
17 there is a subsistence priority are ones that were
18 carried over from the state.

19
20 MS. GARZA: So by saying that there's no
21 subsistence for residents of Wrangell, Klukwan, Haines
22 and Skagway is to assume that there's no C&T for those
23 communities?

24
25 MS. MASON: That's right. That there's no
26 subsistence priority for them.

27
28 MS. GARZA: And you guys would argue that?

29
30 MR. FELLER: Well, this was before that we have
31 the rural status priority. We have the eligibility in
32 Wrangell now and I don't see anybody that would be
33 interested in arguing it now. I mean it would be nice
34 to keep that door open. We have elders that tell
35 stories of past use and there was bear hunters that
36 were just, that's all they did. I don't know how many
37 years ago that was.

38
39 MS. GARZA: So then the likely process would be
40 to support, as Bill was saying, eliminating that except
41 no subsistence for these four communities. It would
42 open it up to no determination, and then it would be up
43 to those four communities, individually or collect-
44 ively, to submit to have C&T determination for bear for
45 their area?

46
47 CHAIRMAN THOMAS: If they didn't agree with the
48 recommendations from this council. I'm assuming that
49 any action that we do will be submitted for the
50 awareness of those communities. Another thing that
51 comes to mind is that a lot of times we're saying does

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1 this mean so and so? Does this mean that? I think
2 that we should spend some time on written definitions
3 of what different responses imply. Who had their --
4 there was a hand -- oh, Vic, then Bill.

5
6 MR. BURGESS: Mr. Chairman. Victor Burgess.
7 Maybe I can enlighten you if my memory is that good.
8 Were you there at the last meeting, Marilyn?

9
10 MS. WILSON: I think so. It was a long time ago.

11
12 MR. BURGESS: How about you, Mim?

13
14 MS. ROBINSON: Yes.

15
16 MR. BURGESS: You were there, Lonnie?

17
18 MR. ANDERSON: Yes.

19
20 MR. BURGESS: I think at that time we associated
21 customary and traditional with true subsistence users
22 and maybe the regulation specialists that was there
23 didn't explain what the format was to recommend there.
24 So these to me mean nothing. If you remember, Peters-
25 burg was very much against any association with
26 subsistence at all. Correct? Wrangell was, too, but
27 they weren't represented by a Native. They were
28 represented by some other group.

29
30 CHAIRMAN THOMAS: One of those other guys?

31
32 MR. BURGESS: So I think that at that time we
33 didn't know any more than we know today. In fact I
34 know less. Thank you.

35
36 CHAIRMAN THOMAS: If it doesn't fit, you must
37 acquit. Bill.

38
39 MR. KNAUER: Yes, Mr. Chairman. You were asking
40 a little bit about what different statements mean. Let
41 me go through the range of terms that are used in C&T
42 determination. On one side you have a statement that
43 says no subsistence. That means that that's a
44 determination that no one, no rural community has a
45 subsistence priority in that area and therefore there
46 would be no federal season. Next there is what we call
47 a positive determination and it might say community X
48 in sub-unit 1A or 2B, or it might say in Unit 1 or it
49 might list a number of communities. What that says is
50 only those communities have a priority. And then
51 proceeding further there is the term no determination

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1 and what that says is there has not been a positive
 2 determination and any qualified rural resident may
 3 participate in that priority. This is just a hair back
 4 from that being a determination. They've said no
 5 determination and then they put an exclusion in there
 6 and said it's no determination, but we know for a fact
 7 that these communities have subsistence. That's what
 8 that statement means.
 9

10 CHAIRMAN THOMAS: I think maybe I am a little bit
 11 -- maybe I'm immersing myself in naiveness too far.
 12 But in the CFRs, there's always a lot of detail paid to
 13 definitions of whatever is said in a CFR. In a law or
 14 an act, there's always additional detail to intentions
 15 of definitions, of implications. When it gets to our
 16 level, we lose that luxury. I guess what I'm asking
 17 for is that in our discussion and our style of
 18 discussion, in our dialogue, especially with the lead
 19 agency, in your responses, when we ask questions on
 20 what the implications are, should be able to say back
 21 on page 4, second paragraph, Tom, this is what it says.
 22 Now there's some questions we come up with that
 23 haven't been anticipated. And those are the ones I
 24 would like to be included because they're going to come
 25 up again and again through this process. I'm just
 26 seeking right now if that's a consideration that would
 27 be possible. Bill.
 28

29 MR. KNAUER: I think I followed you and in fact a
 30 good example is on page 18 of the salmon book. Just
 31 above the table.
 32

33 CHAIRMAN THOMAS: No determination indicates open
 34 to all rural Alaska residents.
 35

36 MR. KNAUER: No subsistence indicates no priority
 37 for subsistence use.
 38

39 CHAIRMAN THOMAS: Okay. And that indicates that
 40 there is no priority.
 41

42 MR. KNAUER: That means that, for example, a
 43 rural resident of Cold Bay, an FAA worker out at Cold
 44 Bay, could come over to Unit 1, for example, if you
 45 look under black bear in Unit 1A, B and D, no
 46 determination, an FAA worker that lives out at Cold Bay
 47 could come over in Unit 1A and harvest two black bears
 48 during the open season.
 49

50 CHAIRMAN THOMAS: Okay. I can understand that.
 51 ~~But if I'm in the forum when you're not there and this~~

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1 comes before me again, I'd like to offer that same
2 elaboration, but I won't be able to. So what I'm
3 saying is that this should have been carried out
4 farther to, kind of, elaborate on those implications.
5 It says no subsistence indicates no priority
6 subsistence use, and it's kind of put that if you don't
7 understand this, dummy, how simple can they make it?
8 You know? But I guess I've gone beyond the point of
9 embarrassment to where I think we need more elaboration
10 on those.

11
12 MS. GARZA: I guess in looking at this for the
13 C&T determination. I certainly agree with the efforts
14 of both 080 and 088 of striking Klukwan, Haines and
15 Wrangell so that it doesn't say except no subsistence
16 for residents of those communities, because I do think
17 that there is subsistence, but I don't know that we can
18 take that one step further and say that there is C&T.
19 And perhaps it's something that they need to go back
20 and work with their communities on because to leave it
21 open for no determination implies that anyone from
22 anywhere can come and harvest brown bear in that
23 community and maybe they have enough brown bear and
24 maybe it's a problem that they would prefer that to
25 happen, or maybe they would like to have C&T
26 determination for that.

27
28 CHAIRMAN THOMAS: I agree with that. But I think
29 that we should indicate what our instincts tell us at
30 this point and, just to let them know what hazards are
31 out here, so they can recognize that. They said, no,
32 we don't want that. Why are you guys doing that? And
33 they can tell us. To say it like this that they won't
34 feel and challenge, I don't believe. That's why I
35 suggested let's go through this as if we were making
36 decisions on it, knowing full well that we're not.

37
38 MS. WILSON: Mr. Chairman, I don't feel
39 comfortable in making a decision on this proposal and
40 feeling safe about it because of the possible...

41
42 CHAIRMAN THOMAS: I don't either.

43
44 MS. WILSON: It scares me. I'd rather go back to
45 the community and get more input on something of this
46 magnitude.

47
48 CHAIRMAN THOMAS: Okay. What's the wish of the
49 council? Mim.

50
51 ~~MS. ROBINSON: I think we're going to keep~~

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1 running into these throughout and I think we ought to
 2 go with what the staff recommended before, which is to
 3 go to the communities, find out what the priorities are
 4 in the communities and deal with this at the next
 5 meeting. Unless people think we can just breeze
 6 through any of these. We're going to have to keep
 7 saying well, you know, I need to go talk to people in
 8 my community.
 9

10 CHAIRMAN THOMAS: Patty.

11

12 MS. PHILLIPS: The rural, qualified rural users
 13 have priority over all other users. We keep seeming to
 14 forget that. Over sport, over commercial. The
 15 qualified rural resident has priority, and so I don't
 16 know why we can't go in there and establish that
 17 priority, and so I would be willing to say a qualified
 18 rural resident of Southeast Alaska, rather than the
 19 whole spectrum of the state.
 20

21 CHAIRMAN THOMAS: We call them eligible users.
 22 But the chair is going to follow the wish of the
 23 council. Dolly.
 24

25 MS. GARZA: I guess my concern with the process
 26 of going back to the community is that we have this
 27 October 27 deadline and we go back and then we meet
 28 again in February and the deadline is past.
 29

30 CHAIRMAN THOMAS: Mim.

31

32 MS. ROBINSON: Are any of these actually going to
 33 be dealt with by -- when is the Federal Subsistence
 34 Board going to actually respond to any of these?
 35

36 MS. MASON: They should be responding after the
 37 winter round of meetings. They will be considered in
 38 this annual cycle with the proposals that are coming
 39 in.
 40

41 CHAIRMAN THOMAS: We can request deferment on
 42 their consideration. We've done that with the Kenai on
 43 a couple of occasions. In fact, we delayed that for
 44 what, two years? But we can do that here. So I don't
 45 think that we should succumb to anything that looks
 46 like pressure for a deadline, but I think it's good to
 47 know that we need to move on something, so I just offer
 48 that for consideration. So let's not look at these
 49 deadlines as life and death right now. We have another
 50 opportunity next year. But at the same time, I think
 51 we should treat these deadlines like they're the only

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1 ones here because that will get us to be more
2 aggressive on getting these than if we did it with an
3 attitude that we've got another year to go. But
4 anyway, like I said before, the chair will yield to
5 support the wish of the council. All good comments.
6 I'm not saying that I'm enjoying any comments better
7 than another. They're all very good. Mim.

8
9 MS. ROBINSON: I was just thinking that maybe we
10 could try a different area, because if someone else
11 here feels comfortable on how their community feels
12 about any of these, we can try their community. Dolly
13 would work on the Unit 4 one. But, see, that
14 represents quite a few communities there. You know, we
15 had talked before about getting comments from people in
16 the communities on the C&Ts.

17
18 MR. THOMPSON: Mr. Chairman?

19
20 CHAIRMAN THOMAS: Ken.

21
22 MR. THOMPSON: I haven't been in the room for the
23 entire discussion, but what maybe the members may wish
24 to consider is reviewing current C&Ts and coming up
25 proposed additions to the C&Ts so that they become
26 advertised between now and February for the communities
27 to react. If you're uncomfortable with eliminating
28 some of them, however, then maybe not touch those.

29
30 MS. PHILLIPS: I thought that's what we'd be
31 doing, right, is to be going to the public.

32
33 MR. THOMPSON: That would give you an opportunity
34 to advertise...

35
36 MS. ROBINSON; That would certainly get
37 discussion going in the communities.

38
39 MR. KNAUER: There is nothing, also, that would
40 prohibit the council from putting forth proposal now,
41 so it's out there for public review, and then
42 recommending against it in February after you have
43 heard output from the local people, also.

44
45 CHAIRMAN THOMAS: What I would be inclined to do,
46 if we did that, if it received no public attention at
47 all, I would recommend that we not offer it for
48 consideration beyond the council. Just because it
49 doesn't get reviewed the first time doesn't mean that
50 somebody doesn't care and I think we need to be very
51 careful about that. Sandy.

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1
2 MR. RABINOWITCH: In such an instance the council
3 in its winter meeting could recommend to table further
4 consideration for something that just didn't get
5 attention and in my experiences the board respects the
6 councils' tabling action and usually in fact then
7 tables the same action and waits to hear back from the
8 council.

9
10 CHAIRMAN THOMAS: Thank you. Patty.

11
12 MS. PHILLIPS: Mr. Chair, if we take some sort of
13 action on the C&T, establishing subsistence as a
14 priority, we at least give the public something to
15 comment on rather than doing nothing.

16
17 MS. LE CORNU: Mr. Chair, I think it is our rule
18 to make the people feel that they do have that right,
19 even if they don't do it now, I don't think that
20 because they haven't hunted in several years that they
21 can't still make a livelihood out of it.

22
23 CHAIRMAN THOMAS: It's not only a right; it's a
24 responsibility. Dolly.

25
26 MS. GARZA: I guess I'm looking at a couple other
27 requests further down. The suggestion that I would
28 like to make, instead of striking the whole thing, no
29 determination except no subsistence for residents, we
30 should strike no determination except no subsistence
31 for, and so it would be unit brown bear: residents of
32 Wrangell, Klukwan, Haines and Skagway, and then it
33 would be up to those four communities to comment on
34 that in the positive if that's the way they think it
35 should be. If there's no comment on it, it can be
36 tabled or changed. But that gives the opportunity.

37
38 CHAIRMAN THOMAS: I like the approach. What I
39 would offer as a suggestion, hopefully that would help
40 us, that we deal with each one of these, have them all
41 written, and we'll not take action through a motion
42 every time. We'll have the language that we're going
43 to consider written out and everybody agree to what we
44 understand that's been written. And then during the
45 whole course of taking action, people can come back and
46 say, well, I agree with this, but I'd like to change
47 something in this area.

48
49 MS. WILSON: Mr. Chairman?

50
51 CHAIRMAN THOMAS: Is that too complicated?

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1
2 MS. WILSON: Yes. It gets complicated. I was
3 wondering, it seems like we should vote...
4

5 CHAIRMAN THOMAS: On each one?
6

7 MS. WILSON: ...to not adopt this one and to make
8 one up of our own from this council. That would be a
9 lot simpler because this was moved upon by the state
10 regional council and I think it would cause a lot of
11 confusion. It doesn't take much to get me confused, I
12 know, so it might be easier for others if we just
13 didn't pass it and made another one.
14

15 CHAIRMAN THOMAS: Okay. Hank.
16

17 MR. NEWHOUSE: Just a point of confusion, because
18 I really agree with Marilyn on this point, is for
19 example, it says, you know, as far as C&T determination
20 under the subsistence regulations, that they can't take
21 a bear, but then it goes back here and says the state
22 harvest limit is one bear every four regulatory years
23 by state registration permit only so they're going to
24 still have to go get this license. And I would bet you
25 if I picked up the state regulation right now, that
26 there's nothing that stops those people from going from
27 any of those communities and getting their permit to go
28 hunt a bear. And so, in essence, this regulation is
29 the way it's stated at this point in time is meaning-
30 less and that's just the way it's stated, because
31 basically they're following the state season. They're
32 following -- they're saying that people have to have a
33 state permit. And so there's nothing to say that the
34 residents of the communities that we say are excluded
35 from C&T. Subsistence season is basically following
36 the state season, I believe to be the case.
37

38 CHAIRMAN THOMAS: You guys aren't making me look
39 very good right now. Patty.
40

41 MS. PHILLIPS: Mr. Chair, I move to strike C080
42 and C088.
43

44 CHAIRMAN THOMAS: You all hear the motion. Is
45 there a second?
46

47 MS. WILSON: I second that, Mr. Chairman.
48

49 CHAIRMAN THOMAS: Moved and second. Further
50 discussion?
51

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1 MS. GARZA: Is there an intent to replace it with
2 something?
3
4 MS. PHILLIPS: I would like to.
5
6 MS. GARZA: And that's the intent of the second
7 there?
8
9 MS. WILSON: Uh-huh.
10
11 CHAIRMAN THOMAS: Yes. Further discussion.
12
13 MR. FELLER: Call for the question, Mr. Chairman.
14
15 CHAIRMAN THOMAS: Question has been called for.
16 All those in favor of this motion signify by saying
17 aye.
18
19 ALL IN UNISON: Aye.
20
21 CHAIRMAN THOMAS: Those opposed, same sign.
22
23 (No opposing responses.)
24
25 CHAIRMAN THOMAS: Okay. Let's pause right now
26 and deal with that and I think that will help each of
27 us with some clarification and we'll be attacking the
28 rest of them with authority, confidence and increasing
29 speed.
30
31 MS. GARZA: So the intent, Marilyn, is to have
32 something that says residents of Haines, Klukwan,
33 Wrangell and Skagway have C&T?
34
35 MS. WILSON: Uh-huh.
36
37 MS. GARZA: Okay.
38
39 MS. WILSON: And that way, it doesn't...
40
41 MS. GARZA: And that's sort of what 088 says. It
42 says Unit 1 or 1B, brown bear, Klukwan, Haines and
43 Skagway. They left out Wrangell there. I guess she
44 didn't think you guys had it.
45
46 CHAIRMAN THOMAS: Patty.
47
48 MS. PHILLIPS: I would have it read residents of
49 Unit 1.
50
51 ~~MS. WILSON: That would be all. That's a large~~

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1 area, isn't it?
2
3 MS. PHILLIPS: Or qualified rural residents of
4 Unit 1.
5
6 CHAIRMAN THOMAS: Well, everything that we're
7 dealing with is only for eligible users, anyway.
8
9 MS. GARZA: Who are the eligible communities in
10 Unit 1?
11
12 CHAIRMAN THOMAS: Everybody but Ketchikan.
13
14 MS. GARZA: See, when I look at this, Petersburg
15 really isn't in 1B and Wrangell looks like it's right
16 on the line, so I'm not really sure. I mean it looks
17 like just Gustavus, Haines and Skagway are the only
18 guys in there. And Klukwan.
19
20 MR. NEWHOUSE: And Saxman.
21
22 CHAIRMAN THOMAS: Bill.
23
24 MR. KNAUER: Mr. Chairman, you both have real
25 good points. You could make it residents, it would be
26 rural residents of Unit 1 and if you have a concern
27 about, like, Wrangell, you could say and residents of
28 Wrangell and whatever communities you wish. That is a
29 very common way that C&T determinations are listed
30 where there's a community fairly close to a unit
31 boundary that obviously harvests on both sides or where
32 there's been a history maybe where sometimes they go
33 quite a distance, so that's not an uncommon way of
34 addressing these situations.
35
36 CHAIRMAN THOMAS: Based on the depiction of the
37 boundaries, is Wrangell in fact in Unit 1?
38
39 MR. ANDERSON: No.
40
41 CHAIRMAN THOMAS: Oh, it's not?
42
43 MS. GARZA: But it's pretty doggone close to the
44 hunting area.
45
46 MS. PHILLIPS: And then Unit 1 incorporates
47 Glacier Bay Park and so I would want to include Hoonah.
48 I mean 'cause it's...
49
50 MR. ANDERSON: But Hoonah's not in here.
51

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1 MS. PHILLIPS: No it's not. But it borders, it's
2 on the border of it.

3
4 MS. GARZA: Everybody's on the border of Unit 1.
5 Yeah, but Hoonah has a whole 'nother island that they
6 hunt on.

7
8 CHAIRMAN THOMAS: Hoonah is Unit 4.

9
10 MS. PHILLIPS: Hoonah claims the bay proper as a
11 hunting ground, except for they can't hunt in there,
12 can they?

13
14 MR. KNAUER: You hunt bears in the bay? This is
15 referring only to the bear, remember.

16
17 MS. PHILLIPS: No. We can't. That's why.

18
19 MS. GARZA: So we could say residents of
20 Wrangell, Haines, Klukwan, Skagway, then Hoonah is an
21 issue right now, and Saxman, we don't know if there are
22 brown bear.

23
24 MR. NEWHOUSE: Saxman, Metlakatla. They both
25 fall in there.

26
27 MS. GARZA: Say again.

28
29 MR. NEWHOUSE: Meyer's Chuck...

30
31 MR. FELLER: Mr. Chairman, I was going to comment
32 on that, too. When we did the moose, when we got
33 priority for moose on the Stikine River, then
34 Petersburg said what about us? They start raising a
35 bunch of...

36
37 CHAIRMAN THOMAS: Hell?

38
39 MR. FELLER: Yes. And they called up and so then
40 they got the priority, too, there for the moose.

41
42
43 MS. LE CORNU: For who? For subsistence users?

44
45 MR. FELLER: Yeah.

46
47 MS. GARZA: But they can do that as part of the
48 comment period. I mean, if we listed it to the
49 communities that we know for sure, the Elfin's Cove or
50 Petersburg or whoever else that are in those
51 communities can say "What about us" before we meet in

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1 February.
2
3 MR. FELLER: They do have a small Native
4 population in Wrangell, but I know they're always so
5 close they say "What about us"?
6
7 CHAIRMAN THOMAS: Okay. This is about our fourth
8 time going over that part of it. What are we going to
9 do with it?
10
11 MS. WILSON: Mr. Chairman?
12
13 CHAIRMAN THOMAS: Marilyn.
14
15 MS. WILSON: So far I've heard we add Wrangell to
16 it and Hoonah, or Saxman. Are we adding communities?
17
18 CHAIRMAN THOMAS: I'm waiting for response from
19 the council. Mim.
20
21 MS. ROBINSON: I don't think you can add
22 communities that don't -- that they're not in the unit.
23
24 CHAIRMAN THOMAS: Bill.
25
26 MR. KNAUER: You can do it a couple of ways. You
27 can say residents, starting with a blank piece of
28 paper, you could say residents of communities A, B and
29 C. Getting a little more expansive, you could say
30 residents of Unit 1 or whatever. Getting even more
31 expansive, you could say residents of Unit 1 plus
32 communities A, B and C. You could say residents of
33 Unit 1 and Unit 2 and 3. Whatever you believe has been
34 customary. In other words, what has been the feeling
35 of people, what people hunt in that area for those
36 species?
37
38 MS. ROBINSON: So the crossover of units is not a
39 problem?
40
41 MR. KNAUER: That's correct. But it should be
42 based upon some knowledge of the people in that area
43 have traditionally crossed over and hunted this species
44 in this area.
45
46 CHAIRMAN THOMAS: Why don't we then use Units 1,
47 3 and 4. Exclude Unit 2. Why don't we use 1, 3 and 4
48 and exclude Unit 2?
49
50 MS. PHILLIPS: Why exclude anybody?
51

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1 CHAIRMAN THOMAS: There's no brown bear on
2 Prince of Wales.
3
4 MS. GARZA: I don't think Sitka people go up
5 there to hunt brown bear. We've got enough.
6
7 CHAIRMAN THOMAS: Patty.
8
9 MS. WILSON: Well, Unit 1 is divided by letters,
10 1D and 1B -- 1A, B, C, D.
11
12 MS. GARZA: Mr. Chairman?
13
14 CHAIRMAN THOMAS: Dolly.
15
16 MS. GARZA: I would suggest we go back to whoever
17 said rural residents, qualified rural residents of Unit
18 1 and then if Hoonah or Sitka or someone wants to be
19 included, they can make that request during that
20 proposal-review process.
21
22 CHAIRMAN THOMAS: That's happened before. Patty.
23
24 MS. PHILLIPS: Under deer, I know we're doing
25 bear but under deer, Unit 1C, it says, rural residents
26 of 1C and D and residents of Hoonah and Gustavus. So
27 they're recognizing that other communities use this
28 unit.
29
30 MR. KNAUER: For deer.
31
32 MS. PHILLIPS: Right. For deer.
33
34 MR. NEWHOUSE: Well, they've done the same thing
35 for brown bear in other -- and further along in here
36 for Unit 4, for brown bear, they show rural residents
37 of Unit 4 and residents of Kake.
38
39 MS. PHILLIPS: Right.
40
41 MS. GARZA: What we would allow -- excuse me,
42 Mary.
43
44 MS. RUDOLPH: Mr. Chairman?
45
46 CHAIRMAN THOMAS: Mary.
47
48 MS. RUDOLPH: I think that we just formed a
49 subsistence group a couple weeks ago and not having any
50 of this information, I'm sure they will all be
51 interested in what I have to offer when I get back. So

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1 there won't be -- I know we're having a series of
2 meetings after we get back and I'm sure it's not
3 something that's going to lay mobile after I get back
4 so there'll be a response from us right away.

5
6 CHAIRMAN THOMAS: Okay. Like it was mentioned
7 earlier to write this out, have it out -- this happened
8 -- let me give you an example of what has happened when
9 we're talking about what is a designated hunter. At
10 first we discussed for the Unit 4 area. Is that right,
11 Dale?

12
13 MR. KANEN: (Inaudible affirmative response.)
14

15 CHAIRMAN THOMAS: And then it was opted then to
16 expand it to the whole region. And so that happens and
17 it happens with success. So, that's a good approach.
18 Write an initial proposal, the proposal is here to
19 review and the committee looks at it like that. They
20 said we want to be part of that proposal. We offer
21 this to amend it and then we considered it. Patty.
22

23 MS. PHILLIPS: I have a problem with already
24 established arbitrary lines. And so I would prefer to
25 see rural residents of Southeast Alaska rather than
26 rural residents of Unit 1 for that reason. Who
27 established these arbitrary lines? Was it through co-
28 management with tribal governments? No. It was
29 established by the state. These regulations came from
30 the state and we've been saying time and again that we
31 are here to establish our own regulations and so for
32 that reason, I have a problem with these arbitrary
33 lines and keeping qualified rural residents within
34 those lines.
35

36 CHAIRMAN THOMAS: Well, not to dispute that --
37 well, actually these lines, I thought, they were
38 probably the state's for management reference and this
39 kind of thing. I don't know what else they're there
40 for but maybe somebody else can give me a hand in
41 describing those arbitrary lines.
42

43 MR. KNAUER: Mr. Chairman, you're absolutely
44 correct. They are there -- the State of Alaska is an
45 extremely large area. Even the state is defined by
46 arbitrary lines and to enable the collection of data
47 upon which to base decisions to establish various
48 offices to collect that data and have surveys, and to
49 provide regulations that are meaningful to part of the
50 state that might not be meaningful to another part of
51 the state, these arbitrary lines were placed by the

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1 State of Alaska many years ago and have been used to
2 collect and tabulate information and establish
3 regulations therein.

4
5 CHAIRMAN THOMAS: I wouldn't be surprised if
6 they were there before statehood.

7
8 MR. KNAUER: I don't know. I wasn't here at that
9 time.

10
11 CHAIRMAN THOMAS: I was.

12
13 MS. PHILLIPS: Well, Mr. Chair, for instance,
14 say the state goes to mandatory borough formation and
15 Pelican gets put in the Icy Straights Borough which
16 could potentially encompass all of Icy Straits,
17 Angoon, Tenakee and possibly Kake. So all of Icy
18 Straits incorporates part of Unit 1C, Unit 4 and
19 another unit there. And so as a member of the borough,
20 I would feel like I would be able to use all that land
21 within the borough. So...

22
23 CHAIRMAN THOMAS: There, again, you'd have some
24 more arbitrary lines.

25
26 MS. PHILLIPS: Right.

27
28 CHAIRMAN THOMAS: Dolly.

29
30 MS. GARZA: Mr. Chairman, I guess in terms of
31 Patty's interest in saying all rural residents of
32 Southeast, I don't have a problem with that because I'm
33 not in Unit 1A and the only concern I would have is
34 whether or not there are residents of Unit 1A who don't
35 want all of the Southeast residents flocking to their
36 area to do their brown bear hunting.

37
38 CHAIRMAN THOMAS: I invite them to my part of 1A.

39
40 MS. MASON: I just wanted to point out that for
41 customary and traditional determination, it's going to
42 have to be proven that they did used to do it or that
43 they have traditionally done it, anyway, so it isn't
44 just a matter of people flocking because they suddenly
45 got an idea to go over there.

46
47 CHAIRMAN THOMAS: That's why I said. That's why
48 I said we needed to have that to be able to make
49 reference to. Patty.

50
51 ~~MS. PHILLIPS: They can already flock there under~~

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1 sport guidelines.
2
3 MS. LE CORNU: Until we make those determinations
4 for priority, that's why it is important that we do
5 something, I think.
6
7 MS. RUDOLPH: Mr. Chairman?
8
9 CHAIRMAN THOMAS: Mary.
10
11 MS. RUDOLPH: Under Goldschmidt and Haas and
12 we've been -- our usage area was set up in Goldschmidt
13 and Haas book so there has been no question on our
14 traditional usage of our area. I think our Native
15 people long before the state came in with their lines,
16 our Native people had their boundaries and nobody ever
17 passed that boundary without working with the other
18 Native in the villages, so our boundaries were already
19 set long before the state came in. And now that's how
20 we start breaking the laws by knowing where our area is
21 and then they say no, you can't. That's not your area.
22 But it has been determined by Goldschmidt and Haas.
23
24 CHAIRMAN THOMAS: I don't know that that's --
25 that's the truth, but I don't think that's been
26 disturbed. The customary and traditional users of
27 subsistence in Alaska continue to practice the same
28 areas, the same routes, that they all have. That's not
29 going to be restricted. That doesn't happen without
30 protocol. But this is protocol that only involves the
31 communities, see. So, I don't think that's
32 jeopardized. I think what we're doing here is
33 accommodating people that's part of this scheme that
34 don't understand those practices. So, I kind of think
35 that's where we're at. We'll take a two-minute break.
36
37 (Off record - 2:18 p.m.)
38 (On record - 2:31 p.m.)
39 CHAIRMAN THOMAS: Okay. Are we at a point of
40 agreement on the motion? Dolly.
41
42 MS. GARZA: Mr. Chairman, I would move to amend
43 Unit 1, brown bear determination to read Unit 1, brown
44 bear colon, Klukwan, Haines, Skagway and Wrangell.
45
46 CHAIRMAN THOMAS: Did you hear the motion? is
47 there a second to that?
48
49 MR. FELLER: I'll second it.
50
51 CHAIRMAN THOMAS: Any discussion?

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1 MS. WILSON: Question.
2
3
4 CHAIRMAN THOMAS: The question has been called
5 for. All those in favor say aye.
6
7 ALL IN UNISON: Aye.
8
9 CHAIRMAN THOMAS: Those opposed?
10
11 (No opposing responses.)
12
13 CHAIRMAN THOMAS: Motion carries. That was for
14 C080 or did that include 88 as well?
15
16 MS. ROBINSON: We deleted those two.
17
18 MS. GARZA: Right. So it's a replacement.
19
20 CHAIRMAN THOMAS: This is a replacement. Okay.
21 Shall we call it something or do we need to? Do we
22 need to quote it as well? No.
23
24 MS. ROBINSON: It's just a proposal.
25
26 CHAIRMAN THOMAS: Okay. Okay. Okay.
27
28 MS. PHILLIPS: What communities was that?
29
30 MS. ROBINSON: Yeah. I needed to ask that same
31 question.
32
33 MS. GARZA: Klukwan, Haines, Skagway and
34 Wrangell.
35
36 MS. ROBINSON: So the four that are listed on
37 there. Okay.
38
39 MR. CLARK: So essentially what it would do is
40 just delete the first portion of their other requested
41 determination.
42
43 MS. GARZA: It deletes no determination except no
44 subsistence for and then it would be residents of
45 Wrangell, Klukwan, Haines and Skagway.
46
47 CHAIRMAN THOMAS: Okay. That's our proposal
48 number one.
49
50 MS. ROBINSON: And that's for Unit 1 -- all of
51 Unit 1.

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1 MS. GARZA: That's how it reads.
2
3 MS. ROBINSON: That's just for brown bear.
4
5 MS. GARZA: Yes.
6
7 CHAIRMAN THOMAS: Shall we move onto 77?
8
9 MR. CLARK: Would you like it read, Mr. Chairman?
10
11 CHAIRMAN THOMAS: Please.
12
13 MR. CLARK: C077. It's in Unit 1, species is
14 goat. The existing determination reads Unit 1B, goat,
15 no determination except no subsistence for residents of
16 Petersburg, Kupreanof and outlying areas.
17 Additionally, it says, Unit 1C, goat, residents of
18 Haines, Klukwan and Hoonah. The requested
19 determination was presented by Ann Lowe -- and do you
20 have a date on that, Rachel? 077? The requested
21 determination is goat for residents of Petersburg,
22 Kupreanof, and outlying areas.
23
24 MS. MASON: That came in on 3/11/92.
25
26 MS. GARZA: So presently, residents of Haines,
27 Klukwan and Hoonah have C&T for goat in section 1C.
28 That's pre-existing, correct?
29
30 MS. MASON: Right.
31
32 MS. GARZA: And so the interest here would be to
33 create C&T for Petersburg, Kupreanof and outlying
34 areas.
35
36 MR. ANDERSON: Would Kake be an outlying area?
37
38 MS. GARZA: Pardon?
39
40 MR. ANDERSON: Would Kake be an outlying area?
41
42 MS. GARZA: Not being the maker of the motion,
43 I'm not sure.
44
45 MR. ANDERSON: We were all in Kupreanof.
46
47 MS. GARZA: Do you want to be an outlying area?
48
49 MS. MASON; Mr. Chairman, just wanted to point
50 out that there's about six or seven ones for Unit 1,
51

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1 goat, so the council might want to consider all of them
2 together.
3
4 MR. CLARK: That's a good idea.
5
6 MS. WILSON: What was that again?
7
8 MS. MASON: There's...
9
10 CHAIRMAN THOMAS: Do all the ones that pertain to
11 goat at the same time. Get everybody's goat.
12
13 MS. ROBINSON: What's the date for the Petersburg
14 Forest Service C078?
15
16 MS. MASON: That's 11/11/92 and if it's 11/11,
17 they don't have the actual date but they now it was
18 from '92.
19
20 MS. ROBINSON: Oh, okay.
21
22 MS. GARZA: So basically, none of these really
23 affect 1C. None of the proposals. They're all 1B.
24
25 MS. MASON: Doesn't look that way.
26
27 MS. GARZA: And they're all some attempt to
28 create C&T for Petersburg, Kupreanof and outlying --
29 some went through Angoon and...
30
31 CHAIRMAN THOMAS: Is Etolin Island in Unit 2?
32 Unit 3. Is Prince of Wales....
33
34 MS. GARZA: Prince of Wales is Unit 2.
35
36 CHAIRMAN THOMAS: All by itself?
37
38 MS. GARZA: Yeah. Etolin Island is part of Unit
39 3 as is Kake.
40
41 CHAIRMAN THOMAS: Okay. The reason I mentioned
42 that was 87 says Unit 1B, goat; residents of Unit 1A,
43 1B, 2, 3 and 4 and community of Angoon. 2 doesn't need
44 to be included in there.
45
46 MS. ROBINSON: How old is the Stikine one? 87.
47
48 MS. MASON: 87 is the only one that's from '91.
49 All the rest of them came in in '92 that deal with
50 goat.
51

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1 MS. PHILLIPS: Mr. Chair, move to strike C077,
2 C079, C078, C081.

3
4 CHAIRMAN THOMAS: You heard the motion. Is
5 there a second?

6
7 MR. FELLER: I'll second it, Mr. Chairman.

8
9 CHAIRMAN THOMAS: Moved and seconded to strike
10 77, 79, 78 and 81. is there any discussion?

11
12 MR. FELLER: Call for the question.

13
14 CHAIRMAN THOMAS: The question has been called
15 for. All those in favor say aye.

16
17 MR. FELLER: Aye.

18
19 MS. WILSON: Aye.

20
21 MS. ROBINSON: Aye.

22
23 MS. PHILLIPS: Aye.

24
25 CHAIRMAN THOMAS: All opposed, same sign.

26
27 MS. GARZA: Aye.

28
29 CHAIRMAN THOMAS: All the maybes. Okay, the
30 motion carries. So was the intent of the motion just
31 not have them?

32
33 MS. ROBINSON: Well, there's still the one that
34 covers the larger area which would make Patty happy.

35
36 CHAIRMAN THOMAS: Okay. So the last one, 87,
37 covers that, huh? Okay. That's right. I just needed
38 to clarify that myself. Okay, so that motion carries.
39 That takes us then to C083.

40
41 MS. ROBINSON: 87 we still need to discuss.

42
43 CHAIRMAN THOMAS: Okay. Thank you. What's the
44 wish of the council on C087?

45
46 MS. ROBINSON: I'm wondering if what is being
47 requested for 87 is actually customary and traditional.
48 I have absolutely no idea. Does that reflect what
49 happens and what used to happen? Is it accurate? Do
50 you want Angoon in there?

51
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1 MR. ANDERSON: Sure.
2
3 MS. LE CORNU: I think probably anybody that
4 could go out goat hunting, they were there, getting it.
5 If they could have got in.
6
7 MS. ROBINSON: Is there any community missing
8 that should be in there?
9
10 MR. ANDERSON: Mr. Chairman, the outlying areas,
11 that includes Kake, doesn't it? In your infinite
12 wisdom.
13
14 CHAIRMAN THOMAS: Unit 1A, 1B, 2, 3 and 4
15 includes all of Southeast except for Yakutat.
16
17 MS. GARZA: No, except for Haines, Klukwan...
18
19 MS. ROBINSON: It also doesn't in- ...
20
21 MS. WILSON: It doesn't include Haines, Klukwan.
22
23 MS. ROBINSON: It also doesn't include Petersburg
24 and Wrangell.
25
26 MS. GARZA: They're part of Unit 2.
27
28 KANEN: Unit 3.
29
30 MS. GARZA: Basically includes everybody except
31 for Klukwan and Haines and that's my concern that I'm
32 not convinced that all of those communities went to
33 Stikine Mountain and hunted goat.
34
35 MS. WILSON: Is this only in the Stikine area?
36
37 MS. GARZA: It's only in Section 1B.
38
39 MS. ROBINSON: So, it's leaving out 1C and 1D and
40 -- why does this say the community of Angoon because
41 that's included in Unit 4. It's got Unit 4 listed.
42
43 MR. ROBERTS: Mr. Chair, if it would be helpful.
44 I'm Larry Roberts with the Forest Service in
45 Petersburg the Stikine area. This was drafted like
46 Rachel was saying back in '91, I believe.
47
48 MS. MASON: '91.
49
50 MR. ROBERTS: So it was early in the process of
51 ~~doing this C&T preparation and so there's probably some~~

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1 oversights, some glitches and this is probably an
2 example of...
3
4 MS. ROBINSON: Community of Angoon being listed?
5 So that could be crossed off?
6
7 MR. ROBERTS: Right. That could be.
8
9 MS. ROBINSON: It's already in 4.
10
11 MR. ROBERTS: Right. Correct.
12
13 MS. GARZA: So when the Stikine Forest Service
14 proposed this, were they aware of the fact that there
15 was customary and traditional taking of goats by all
16 residents from Southeast? I mean that was the question
17 you were getting back to.
18
19 MS. ROBINSON: Well, it's leaving out 1C and 1D
20 and Yakutat. I mean what -- you know. It doesn't
21 leave out much for sure.
22
23 MR. ROBERTS: The idea was that many of these
24 communities throughout this area do utilize that area
25 or have historically used that area.
26
27 MR. KNAUER: Mr. Chairman.
28
29 CHAIRMAN THOMAS: Bill.
30
31 MR. KNAUER: Just to point out. That particular
32 statement doesn't say that those other communities
33 don't use goat but what it's saying is they probably
34 don't use goat in this particular area. In my mind,
35 that would imply that they're probably using goat in
36 areas closer to themselves.
37
38 MR. ROBERTS: Right. Right.
39
40 MS. GARZA: 1B.
41
42 MS. WILSON: And that's in the Stikine area where
43 this goat will be hunted?
44
45 MS. MASON: Yeah. 1B.
46
47 MS. WILSON: I know Haines has a place and
48 Klukwan to hunt (indiscernible - unclear) up our way.
49 We wouldn't have to come down to your place.
50
51 ~~MR. ROBERTS: I think what this refers to is that~~

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1 area near Petersburg that the horned cliffs to south of
2 the Stikine River on the mainland.
3
4 MR. NEWHOUSE: Mr. Chairman?
5
6 CHAIRMAN THOMAS: Hank.
7
8 MR. NEWHOUSE: If you go to the existing
9 regulations and I know we're looking forward to next
10 year but the existing regulations on page 19 show that
11 Unit 1D which includes Haines, Skagway and those other
12 communities, they're just simply no determination so
13 then that particular area is open to all rural
14 residents at this point in time.
15
16 CHAIRMAN THOMAS: What's our quandary then with
17 87?
18
19 MS. ROBINSON: Sounds to me like we just need to
20 cross off "and the community of Angoon" and adopt it.
21
22 CHAIRMAN THOMAS: The chair is entertaining a
23 motion...
24
25 MS. ROBINSON: I move to adopt 87 as amended.
26
27 MS. PHILLIPS: Second.
28
29 CHAIRMAN THOMAS: It's been moved and seconded.
30 Further discussion?
31
32 UNIDENTIFIED: Question.
33
34 CHAIRMAN THOMAS: The question's been called.
35 All those in favor say aye.
36
37 ALL IN UNISON: Aye.
38
39 CHAIRMAN THOMAS: Opposed, same sign.
40
41 (No opposing responses.)
42
43 CHAIRMAN THOMAS: Strike the word, Angoon. 83.
44
45 MS. MASON: Would you like me to read it, Mr.
46 Chairman?
47
48 CHAIRMAN THOMAS: Please.
49
50 MS. MASON: This is for 1B, moose. The requested
51 ~~determination is for Unit 1B, Stikine River drainage~~

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1 only moose; rural residents of Units 1B and 3. And the
2 existing determination is for Unit 1B Stikine River
3 drainages only moose; residents of Wrangell.
4
5 MR. ROBERTS: What was the date on that proposal?
6
7 MS. MASON: I'm going to try to find that out.
8
9 MR. ROBERTS: That's probably a very early
10 proposal.
11
12 MR. KNAUER: That's not correct.
13
14 MR. ROBERTS: Probably '91 or something like
15 that.
16
17 MS. MASON: Okay. That one was '91.
18
19 MR. KNAUER: The determination as you've got
20 shown there is not correct because the board changed
21 the determination.
22
23 MR. ROBERTS: Three years ago or something like
24 that?
25
26 MR. KNAUER: A couple years ago on the Stikine
27 area.
28
29 MS. MASON: Do you have what the existing
30 determination -- what page is it on?
31
32 MR. KNAUER: It's on page 20.
33
34 MS. MASON: Okay. On page 20, we have the
35 existing one and then for 1B, it's Unit 1B south and
36 east of LeConte Bay and Glacier - one antlered bull
37 with spike fork or 50-inch...
38
39 MR. KNAUER: No, no, no. That's the season. Go
40 to the left column.
41
42 MS. MASON: Oh. 1B. No subsistence. The
43 Stikine River drainages is no determination.
44
45 MR. ROBERTS: Right. Which is open to all rural
46 residents.
47
48 MS. MASON: And 1B is north of LeConte Glacier, no
49 subsistence. Remainder of 1B is no determination.
50
51 ~~CHAIRMAN THOMAS: Dolly.~~

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SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
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1
2 MS. GARZA: I guess I would need to hear some
3 information -- I think this is a touchier issue just
4 because I believe -- although I could be wrong that the
5 moose population is not a large, strong, really healthy
6 moose population to allow a C&T determination of all
7 residents of Southeast. And I don't know if Wrangell
8 residents would choose to be quite careful in who they
9 allow to hunt in that area or if they would prefer that
10 only residents of Wrangell feel that they have the
11 opportunity and the right to hunt in that area.
12

13 MR. ROBERTS: The federal government and the
14 state, Department of Fish and Game, both recognize the
15 spike fork 50-inch antler restriction for that
16 particular area and they feel that's adequate
17 protection for the health of the population at this
18 time and allows for harvest as well as protection of --
19 for recovery. There's some problems, obviously, with
20 the populations, but they've -- the federal government
21 at least believes that the spike fork 50-inch antler
22 restriction is ample in terms of protection for that
23 particular population.
24

25 MS. GARZA: Well, there's a difference between a
26 protection for a population and protection of a right
27 to harvest by a local community, I mean. We could say,
28 you know, if the moose population can withstand 100
29 moose harvest each year, but if Wrangell residents who
30 are the closest residents are able to take only four
31 because they don't have the faster boats or they can't
32 afford the planes or whatever else, then I'm not sure
33 we're serving the needs of customary and traditional
34 use.
35

36 MS. LE CORNU: In Ninilchik, I guess that came up
37 as a problem and it's a problem of overpopulation, I
38 think.
39

40 MS. GARZA: People?

41
42 MS. LE CORNU: Yeah, of people.
43

44 CHAIRMAN THOMAS: Ken.
45

46 MR. THOMPSON: Mr. Chairman, Doug may be able to
47 help me with this but I believe there's some pretty
48 good evidence of which communities have provided the
49 most hunting pressure on that Stikine River. As I
50 recall, it's just the local communities, Petersburg,
51 Wrangell, Kake.

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1
2 MR. LARSEN: Point Baker, Protection.
3
4 MR. THOMPSON: Yeah, the interest is pretty much
5 isolated (indiscernible - away from mike.)
6
7 CHAIRMAN THOMAS: Doug, is that essentially the
8 case?
9
10 MR. LARSEN: That's outside of my area, Mr.
11 Chairman. My knowledge, talking to (indiscernible -
12 unclear) and those that work in the Petersburg area is
13 that that is pretty much the primary users.
14
15 CHAIRMAN THOMAS: Mim.
16
17 MS. ROBINSON: There's Port Alexander residents
18 hunting over -- somewhere over there right now for
19 moose, this past week. One of 'em used to be a
20 Petersburg resident, so that's...
21
22 CHAIRMAN THOMAS: Rachel, then Ken.
23
24 MS. MASON: While the health of the population is
25 an important issue, it is separate from the one of
26 customary and traditional and so it's not the burden of
27 the council or the proposal to determine what the
28 health of the population is. Simply whether there has
29 been a longstanding traditional pattern of use.
30
31 MR. ANDERSON: All right. What's the...
32
33 MS. ROBINSON: Well, the Stikine Forest Service
34 one, 84 deals with the -- it has the -- it provides
35 the most number of units using that area. The -- if
36 we were to adopt all of 84 plus it looks like -- I'm
37 not real familiar with the geography but number 83 is
38 dealing with the different area that's not in 84. And
39 so I would think that we would to combine the two if we
40 wanted to do the broadest proposal.
41
42 MS. GARZA: Mr. Chairman.
43
44 CHAIRMAN THOMAS: Dolly.
45
46 MS. GARZA: I guess the concern I have is if we
47 go through these and with every single one and we say
48 well, there's C&T for all 30 rural resident communities
49 of Southeast for each of these resources, for each of
50 these units, I'm not sure we're serving the right
51 purpose.

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1 MS. ROBINSON: But it's not necessarily doing
2 that though. There are areas that are being left out.

3
4 MS. RUDOLPH: Mr. Chairman?

5
6 CHAIRMAN THOMAS: Mary.

7
8
9 MS. RUDOLPH: I think we need to really go on
10 that customary and traditional use, page nine, and use
11 that as our pattern now because we're trying to discuss
12 right now and put our words together with what our
13 concerns are. We've been tossing that around quite a
14 bit.

15
16 CHAIRMAN THOMAS: Where at now?

17
18 MS. RUDOLPH: Page nine of the salmon book.

19
20 MS. ROBINSON: C&T use definition.

21
22 MS. RUDOLPH: The salmon colored book.

23
24 CHAIRMAN THOMAS: I think that's what we're
25 trying to do.

26
27 MS. ROBINSON: I move that we adopt 83 and 84.

28
29 CHAIRMAN THOMAS: You heard the motion.

30
31 MS. PHILLIPS: Second.

32
33 CHAIRMAN THOMAS: Moved and seconded. Further
34 discussion?

35
36 COURT REPORTER: I'm sorry. I missed who
37 seconded.

38
39 MS. PHILLIPS: I did.

40
41 CHAIRMAN THOMAS: Patty.

42
43 MS. PHILLIPS: Mr. Chair, I had mentioned earlier
44 today about the concern I have about the need to
45 categorize -- subcategorize within a community 'cause
46 the concern is whether we're going to open up species
47 to intense hunt and that's where I feel that we, as a
48 council, need to look at categorizing those qualified
49 users. So we have two issues here. We're discussing
50 C&T and in the long term, I would like to see that as a
51 an agenda item, this sub category of users.

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1
2 CHAIRMAN THOMAS: Okay. I have, just for my own
3 clarification, if we did that as a council, what do you
4 envision that follow-through process would be? To put
5 our recommendations like that and submit it to the
6 board for their consideration. Is that what you had in
7 mind?

8
9 MS. PHILLIPS: Well...

10
11 CHAIRMAN THOMAS: Because we need to -- I ask
12 that because if, in fact, we're going to plan on that
13 in the future, we need to have some idea of direction
14 we're going to take with that. And the reason I bring
15 that up is I agree with you. Everybody here agrees
16 that that -- what we're dealing with is far from
17 perfect. We know that what we end up with is going to
18 be far from perfect. But our conscience is guiding us
19 to do our best to have it perfect. And now that I've
20 said all of that, Mr. Knauer, if you could give me some
21 anticipation of reaction. In any case, it would have
22 to be presented to the board. Anything that we've done
23 anyway. Is that true or can we circumvent this flow
24 chart of authority and have it considered by a bigger
25 office or what?

26
27 MR. KNAUER: What Patty is asking is what would
28 occur after a C&T determination were made. Say,
29 community A has C&T for moose. However, there were
30 inadequate moose in the population to satisfy the
31 subsistence desires of that community. Then you would
32 go into a situation what we call Section 804 and that
33 comes out of Title 8 and it says, "The priority shall
34 be implemented through appropriate limitations on the
35 application of certain criteria. The first criteria
36 would be customary and direct dependence upon the
37 populations as a mainstay of livelihood; the second
38 would be local residency and the third would be the
39 availability of alternative resources. This is what
40 Patty is asking. Am I right?

41
42 MS. PHILLIPS: Right.

43
44 MR. KNAUER: Okay. What it is is that doesn't
45 kick in until you have a situation where there's an
46 inadequate resource so until that happens, you don't
47 have to be concerned in a particular area. You only do
48 that after the situation is identified and kicks in.
49 Until that time you identify the community as a whole
50 or communities or areas.
51

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1 MR. THOMPSON: Mr. Chairman.
2
3 CHAIRMAN THOMAS: Ken.
4
5 MR. THOMPSON: I'm Ken Thompson. I've been
6 serving on another agency committee to deal with 804.
7 That -- those regulations have not been developed yet
8 for Section 804. That process has not been developed
9 and brought before the council (indiscernible - away
10 from mike) as a process yet. There have been some
11 allocations...
12
13 CHAIRMAN THOMAS: Come up and take a seat here
14 because our recorder needs to catch all of this. Our
15 liability depends on how much we can hear.
16
17 MR. THOMPSON: This is a very important issue,
18 Patty, and it is part of the process as Bill has
19 brought out but the regulations for defining how to
20 allocate among subsistence users, that process hasn't
21 been established in regulations yet. There have been
22 some places where we have allocated among subsistence
23 users but it's...
24
25 MR. KNAUER: It's been at the request of the
26 council how it's been done in that local area.
27
28 MR. THOMPSON: Right. It's very few cases and it
29 has not -- that process has not been established
30 statewide yet. But it will be done. It's part of
31 ANILCA. And when there's a situation where we have to
32 allocate among subsistence users, because there's not
33 enough to provide for all of those users who have C&T,
34 the board will address that in those situations. I
35 would not recommend getting into that at this time
36 because process, the 804 process, has not been adopted
37 yet in regulations.
38
39 CHAIRMAN THOMAS: Patty -- Mim, first. Then
40 Patty.
41
42 MS. ROBINSON: Well, I was just curious. So this
43 has been on a case by case basis up until now. Are
44 those going to be precedent setting?
45
46 MR. THOMPSON: The process?
47
48 MS. ROBINSON: Those -- yeah. You said that some
49 councils have asked that it be handled in a certain
50 way. Is that going to be setting a precedent on how to
51 handle this in the future?

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1
2 MR. THOMPSON: I would say no.
3
4 MR. KNAUER: The only precedent would be that we
5 have approached the council. The board has not done
6 it, in and of itself. That, to me, would be the only
7 precedent setting aspect is that we had used the
8 recommendations of the regional council that was in
9 that area.
10
11 CHAIRMAN THOMAS: Patty.
12
13 MS. PHILLIPS: What they're saying here, in my
14 opinion, I'd rather have a broad C&T determination
15 because the regulations may not be in place, but the
16 safeguards from ANILCA allow that if there's a
17 conservation problem with a stock, then we have -- the
18 process is -- there could be a process there for
19 measures of protection.
20
21 CHAIRMAN THOMAS: Okay. Could somebody read the
22 motion again, please?
23
24 MS. ROBINSON: The motion was to adopt 83 and 84.
25
26 CHAIRMAN THOMAS: Okay. Sometime -- we went for
27 a long swim on that one and we want to stay with the
28 merits of whether we support or don't support the
29 motion. And our discussions will be the merits of the
30 motion. So, we'll keep it to that. Any further
31 discussion?
32
33 MS. GARZA: Mr. Chairman.
34
35 CHAIRMAN THOMAS: Dolly.
36
37 MS. GARZA: Before I can support or not support
38 that motion, I need to have a clarification from
39 whoever it is that does the -- it's my understanding
40 that these proposals will be reviewed and there will be
41 some type of analysis?
42
43 MS. MASON: Yes.
44
45 MS. GARZA: Okay. And could you give me a clue
46 what that analysis is and whether or not Forest Service
47 or Fish and Wildlife or somebody will be making a
48 recommendation or will be giving us the data on where
49 they see that there is customary and traditional use
50 and where they're not sure whether or not customary and
51 traditional use exists?

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1
2 MS. MASON: The analysis will be similar to the
3 kinds of analysis that we presently do for seasons and
4 bag limits except that the burden of the analysis will
5 fall on the anthropologists because we will be looking
6 at the same eight factors that have always been used in
7 the customary and traditional ones that asks for a long
8 term consistent pattern of use, and asks such questions
9 as whether there is knowledge handed down, sharing, and
10 beliefs and customs. So, the kinds of data that we
11 will use for that will be the same kinds that we have
12 used, ethnographic records...

13
14 CHAIRMAN THOMAS: That criteria down there now is
15 not anything that's cast in granite.

16
17 MS. MASON: No.

18
19 CHAIRMAN THOMAS: Those could be designed to suit
20 the region. The criteria can.

21
22 MS. MASON: That's right. There is no
23 established criteria. As we were discussing earlier,
24 you know, there's no set number of years. That can
25 vary.

26
27 CHAIRMAN THOMAS: So we need -- we need to --
28 first we need to understand if we did use those
29 criteria, understand what the implications are. If we
30 didn't like them, substitute that criteria with
31 something that will better fit in this region. Sandy.

32
33 MR. RABINOWITCH: If I might clarify.

34
35 CHAIRMAN THOMAS: Thank you.

36
37 MR. RABINOWITCH: Sandy Rabinowitch, with the
38 National Park Service. I think it's important to try to
39 clarify one point following on statements on criteria.
40 In that existing regulations, there are the eight
41 factors that have been referred to several times and
42 there's some other language that goes along with --
43 this is Section 16 of the program regulations on
44 customary and traditional use determination process.
45 There's the eight factors that have been talked about
46 and as Rachel has said, sort of the measurements within
47 those eight factors aren't rigidly set up. But the
48 eight factors are in regulation and they must be used,
49 okay, by Rachel and others. There is also a section,
50 the last part of Section 16, which says the board,
51 referring to the Federal Subsistence Board, shall take

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1 into consideration the reports and recommendations of
2 appropriate regional councils. So, the way I see this
3 is they have to look at the eight factors and
4 additional recommendations you all make which you may
5 -- you may think there's some other things that need to
6 be added into the information that might not be
7 included in those eight factors. Or you might think
8 one of the factors is particularly important in your
9 region and you would then suggest to the board that's
10 important, it should be stressed and given a lot of
11 weight or whatever. But I think it's -- you know, I
12 know, Mr. Chairman, you've been to several meetings
13 with other council chairs, there's much discussion of
14 these and I just think it's important we understand
15 these are in regulation. Now, regulations can be
16 changed but that's another matter and the program must
17 use these and if it doesn't use them, then a board
18 decision is subject to a challenge for not following
19 its own process which doesn't do anybody any good.
20 Anyway, I hope that was useful.

21
22 CHAIRMAN THOMAS: It is. Thank you. Marilyn.

23
24 MS. WILSON: Are those regulations, those eight
25 factors, are those from the state, a carryover from the
26 state or is it federal?

27
28 MS. MASON: They are similar but not identical to
29 the ones used by the state. I think they left on one
30 when they adopted them from the state and I don't know
31 which one that is.

32
33 MS. WILSON: Who adopted it?

34
35 MS. MASON: The Federal Subsistence Board when
36 they took over management of subsistence from the
37 state, then they took them...

38
39 MS. WILSON: Did they get any help from the
40 councils or anybody? Any input?

41
42 CHAIRMAN THOMAS: That's before established,
43 wasn't it?

44
45 MS. MASON: Yeah, the councils didn't exist then.

46
47 MS. GARZA: Did we have those? The criteria.

48
49 MS. MASON: I think they're in this salmon book
50 somewhere.

51

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1 MS. ROBINSON: Mr. Chairman?
2
3 CHAIRMAN THOMAS: Mim.
4
5 MS. ROBINSON: I'd like to call for the question
6 on this motion.
7
8 CHAIRMAN THOMAS: The question has been called
9 for. All those in favor say aye.
10
11 MR. FELLER: Aye.
12
13 MS. ROBINSON: Aye.
14
15 MS. WILSON: Aye.
16
17 MS. RUDOLPH: Aye.
18
19 MR. ANDERSON: Aye.
20
21 MS. PHILLIPS: Aye.
22
23 CHAIRMAN THOMAS: Those opposed?
24
25 MS. GARZA: Aye.
26
27 CHAIRMAN THOMAS: Motion carries. Let the record
28 reflect a resounding opposition by one of our team
29 members.
30
31 MS. GARZA; Mr. Chairman?
32
33 CHAIRMAN THOMAS: Dolly.
34
35 MS. GARZA: I guess before we go through any more
36 of these, I still need a little more clarification on
37 the process. Okay, we have these eight criteria and
38 you will look at the proposal we make, say that
39 residents of Unit 1A, 1B, 2, 3 and 4 have C& T for
40 goat in Unit 1B. Will the recommendation be an all or
41 nothing? We recommend against this proposal; we
42 recommend for this proposal; we recommend that only
43 these communities have demonstrated C&T?
44
45 MS. MASON: I think not. I think it will
46 probably be -- and of course, it will depend on the
47 proposal, but the way I understand it, it will be
48 primarily presenting what data there is on that and let
49 the council make its recommendation based on that and
50 let the board make its recommendation based on what
51 ~~data there has been presented. But it's not saying yes~~

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1 or no.

2
3 MS. GARZA: Okay. So then when it goes form
4 there, Mr. Chairman, then does the Federal Subsistence
5 Board will look at that data and say yes, it is quite
6 evident that C&T occurred by this community on this
7 resource and so we can support this proposal?

8
9 CHAIRMAN THOMAS: Yeah. What normally happened,
10 at our winter meeting, when the proposals come through,
11 okay, we have a deadline for submitting. Once they're
12 received, then they get to her office; then the
13 analysis and all of that information is put together.
14 When we considered them, that information is brought to
15 us. And we refine that. We don't move on to anything
16 else until we've satisfied what we know that staff is
17 going to bring to the board. They will be bringing --
18 that's how -- when they go to the board, they say, this
19 is the council's recommendation. This is a staff
20 recommendation. See. Sometimes, it's two recom-
21 mendations. And so that's -- and generally, they're
22 parallel. So, it's pretty careful, the checks and
23 balances. And I think that we'll all be presently
24 surprised at the conclusion of our winter meeting, once
25 we get through all this because we're going to be
26 better appreciate the agony that we're having now when
27 we do these and then they come forward. And maybe
28 we'll get through all of these but I think we'll do a
29 better job the next time around. But those are good
30 questions and good points. And if I overemphasize
31 something or off a little bit, don't hesitate to
32 correct me. Bill.

33
34 MR. KNAUER: Mr. Chairman, to specifically answer
35 Dolly's question, the recommendations that I've seen
36 coming from the regional councils and the decisions of
37 the board run the gamut from a yes to a no to taking
38 parts of a proposal and saying, yes to parts and no to
39 parts or deferring parts because of lack of
40 information. So it depends specifically on the data
41 and the recommendations presented on each individual
42 proposal. It's not an all or none situation.

43
44 CHAIRMAN THOMAS: Patty.

45
46 MS. PHILLIPS: Mr. Chair, I would like to ask
47 Dolly the main reason why you're dissenting.

48
49 MS. GARZA: I guess part of where I disagree with
50 you, Patty, is that traditionally all of these areas
51 were owned by clans and communities and the ability to

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1 go in and take cedar at Wrangell was pre-approved by
2 the head of the clan and for us to say because we would
3 all like to go and get a moose in Stikine area, that
4 we're going to say it's al C&T, I think is incorrect.
5 And for Sitka -- Sitka is very territorial. We know
6 what our boundaries are and we ask permission if we go
7 beyond that boundary and we expect a request if someone
8 comes within it.
9

10 CHAIRMAN THOMAS: I don't think that our intent is
11 not to honor that part of it. I think our intent here
12 is to draw attention to what we are doing, get some
13 input and that will straighten us out a lot, if not
14 altogether. Mim.
15

16 MS. ROBINSON: I would say that that's what my
17 approach is right now is to get something out there for
18 people to comment on. I'd be perfectly happy to change
19 it. This is not something I feel strongly about. I
20 just want to have something that's fairly broad and
21 then people can chop it down if they want. But I just
22 -- at this point, I'm happy to get anything out there
23 just to solicit comments so that when the advisory
24 committees and the tribal councils and stuff, everyone
25 starts commenting on these proposals that are going
26 out, there will be something there for them to comment.
27

28 CHAIRMAN THOMAS: By all means.
29

30 MS. ROBINSON: Just like doing that letter last
31 night, you've got to have something in front of you to
32 work with.
33

34 CHAIRMAN THOMAS: The ones we already done are
35 likely to draw a lot of attention and it may look a lot
36 different by the time we get it back from the
37 committee.
38

39 MS. ROBINSON: We can even change it ourselves at
40 the next meeting after getting comments from people.
41

42 CHAIRMAN THOMAS: Before Vicki forgets, let me
43 recognize her. She had her hand up.
44

45 MS. LE CORNU: Well, I was just going to say. I
46 don't think it's going to make anybody a customary user
47 that isn't and if they aren't, I think that's where we
48 have to catch that, you know, and maybe there is
49 somebody that is living somewhere else that was
50 previously from Wrangell that maybe we are allowing
51 that, so...

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1
2 CHAIRMAN THOMAS: Dolly..
3
4 MS. GARZA: I guess in rebuttal to the going
5 broad and then saying well, we can narrow it down
6 later, is that if I were a typical resident -- and
7 since I'm above average, I guess I'm not a typical
8 resident (Laughter). If I were a typical resident say,
9 in Klawock and I read these proposals that this council
10 came out with and said oh, good, they included me with
11 being able to go goat hunting in Wrangell. Then I'm
12 not going to say, well, gee, I have to go there and
13 defend that position because I'm going to assume that
14 they're defending it for me because they proposed it
15 where if I read in here that it only included Wrangell
16 and Petersburg and I said, well, heck I've been going
17 up there for 100 years. My generation and generation
18 and generation before. Then I would likely go there
19 and request to be included. And so I think by letting
20 people assume that we're going to protect their rights
21 may exclude people that might otherwise show up to
22 defend it.
23
24 CHAIRMAN THOMAS: Mim.
25
26 MS. ROBINSON: Okay. That makes me think of
27 another comment, what's going on in my mind when I'm
28 looking at these things. When I look at the ones that
29 we just passed, 83 and 84, especially 84, Stikine
30 Forest Service, I'm -- and I look at the detail -- all
31 these different -- I mean I'm assuming that some
32 thought has gone into this proposal that was submitted
33 and that they left out units for a reason and included
34 others for a reason and that I don't know enough about
35 it. And no one seems to be able to comment on these
36 things, so I'm going with what's here and if someone
37 can convince me otherwise that this is erroneous, then
38 so be it, but if this is all I've got. If this is all
39 that's been submitted to me, then this is what I'm
40 going to go with. I just -- am I making it clear
41 there? I just -- I mean I don't know. I mean
42 otherwise, we're just going to sit here, you know, bl-
43 bl-bl-bl-bl-bl -- I'd rather just pass something and
44 talk about it the next meeting. I'll have to see how
45 she...
46
47 CHAIRMAN THOMAS: Would you spell that for the
48 recorder?
49
50 MR. ANDERSON; I think she needs to be over in
51 Dewey's chair there.

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1
2 CHAIRMAN THOMAS: The chair requests a two-minute
3 recess right after your comment.
4

5 MS. WILSON: Oh, okay. I just wanted to comment.
6 I forgotten that usually we make a motion to the
7 effect of we vote or we move to adopt a proposal
8 instead of moving to strike it and that way, we vote it
9 down if we don't want it. I don't know why we did
10 that. We used to do that in the state and then when we
11 first started this federal council.
12

13 CHAIRMAN THOMAS: We're going to shape it up.
14 Give us time. We are now in a two-minute break.
15

16 (6400)

17 (Off record - 3:20 p.m.)

18 (On record - 3:31 p.m.)
19

20 (Tape: 4)

21 (0073)
22

23 CHAIRMAN THOMAS: I have one burning point I want
24 to bring out and then I'm going to have Mr. Knauer give
25 us some encouraging information. While I was reading
26 802, second paragraph, it says, "Non-wasteful
27 subsistence use of the fish and wildlife." Non-
28 wasteful. I'm trying to figure out what wasteful
29 subsistence is. Does anybody know? If you waste it,
30 it's not subsistence. Anyway, I just wanted to point
31 that out. It don't require an answer at this time.
32 Bill Knauer is going to give us some help and
33 clarification. Very generous. Bill.
34

35 MR. KNAUER: Mr. Chairman, with your permission
36 and the permission of the council, I would propose to
37 take each of these ones -- I would propose to take each
38 of these motions that you have adopted -- where you
39 have adopted a specific proposal or modified proposal
40 or group of proposals -- and turn that into a formal
41 proposal after I get back to the office.
42

43 CHAIRMAN THOMAS: So we can anticipate that being
44 in the cluster of proposals that are being considered?
45

46 MR. KNAUER: If you so desire.
47

48 CHAIRMAN THOMAS: I do. Everybody agree say...
49

50 MS. ROBINSON: I think I understand. I'm...
51

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1 CHAIRMAN THOMAS: ...I do.
2
3 MS. ROBINSON: ...puzzling over what he just
4 said.
5
6 MR. ANDERSON: I refuse to say I do again.
7
8 MS. ROBINSON: I'm not sure I understand what
9 you're saying.
10
11 CHAIRMAN THOMAS: We know we have to submit
12 proposals, right?
13
14 MS. ROBINSON: Right. Right.
15
16 CHAIRMAN THOMAS: Okay.
17
18 MS. ROBINSON: He's going to put these in
19 proposal form.
20
21 CHAIRMAN THOMAS: The actions -- the actions that
22 we took...
23
24 MS. ROBINSON: Right. Is that all you're saying?
25
26 CHAIRMAN THOMAS: He's going to take and...
27
28 MS. ROBINSON: Yeah, I assumed that.
29
30 CHAIRMAN THOMAS: ...they're going to come out in
31 proposal form.
32
33 MS. ROBINSON: Okay.
34
35 MR. FELLER: She's way ahead of you.
36
37 MS. PHILLIPS: Is he saying that he's going to
38 lump them all together into one proposal or...
39
40 CHAIRMAN THOMAS: No, no.
41
42 MS. PHILLIPS: ...all separately?
43
44 MS. ROBINSON: He's just going to put them in
45 proposal form.
46
47 CHAIRMAN THOMAS: Proposal form.
48
49 MS. PHILLIPS: Great.
50
51 CHAIRMAN THOMAS: Yay!

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1 MR. FELLER: Nice boy.
2
3 CHAIRMAN THOMAS: Nice boy. Heel.
4
5 MS. ROBINSON: That's what they're for, right? I
6 mean, you know, yeah.
7
8 MR. FELLER: Let's give him an atta boy!
9
10 CHAIRMAN THOMAS: Are we done on 83 now?
11
12 MS. MASON: 82.
13
14 CHAIRMAN THOMAS: 82?
15
16 MS. MASON: Yeah, that's on black bear for Unit
17 1B and 3...
18
19 CHAIRMAN THOMAS: 82. Okay, we're on 82,
20 council. Flip the page. Rachel.
21
22 MS. MASON: This is Unit B, black bear for
23 residents of Unit 1A, 1B, 2, 3 and 4. And Unit 3 black
24 bear for residents of Unit 1A, 1B and 3. And this
25 would replace the existing determination of no
26 determination in Unit 1B for black bear and no
27 determination in Unit 3 for black bear. And this came
28 in in 1991.
29
30 CHAIRMAN THOMAS: 1B. 1B. What's the wish of
31 the council?
32
33 MS. WILSON: I don't see Haines in there for that
34 area. 1D.
35
36 MS. MASON: They're not in there.
37
38 CHAIRMAN THOMAS: Do you want to include 1D,
39 Marilyn?
40
41 MS. WILSON: It seems like it's already in here
42 somewhere.
43
44 MS. ROBINSON: It's in the existing...
45
46 MS. WILSON: Yeah, it's existing already.
47 Separately.
48
49 MR. KANEN: Marilyn, the proposal is for Unit 1B
50 and 3, which is more centrally than Southeast Alaska.
51

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1 MS. WILSON: Oh, okay. It's down further.
2
3 MR. KANEN: It's further south, right.
4
5 CHAIRMAN THOMAS: This was the first report used
6 in Alaska, bear (ph).
7
8 MS. ROBINSON: So what this proposal is saying,
9 it's adding Units 2, 3 and 4, saying that those
10 residents can hunt for black bear in Unit 1B. No?
11 What? I'm looking at Bill.
12
13 MR. KNAUER: Mr. Chairman, what this is, is not
14 adding but limiting to just those. In this particular
15 situation, in those units, there is a no determination
16 which means all of the residents of Southeast can
17 already harvest there as can other residents. This may
18 be a situation where since the individual -- since
19 individual communities can already harvest it, if there
20 is not a significant problem right there. It may be
21 one that you may want to wish to delay acting on...
22
23 MS. ROBINSON: Just leave it.
24
25 MR. KNAUER: ...because of the limited amount of
26 staff and limited amount of time. Not discarding it,
27 but tabling it to a time when there is -- when there is
28 more opportunity. That may be the situation with
29 others in here such as fur bearers, but that's at the
30 wish of the council.
31
32 MS. ROBINSON: Well, I would say that we would
33 want to act -- deal with this proposal in two different
34 steps. I mean, it's dealing with Unit 1B and it's
35 dealing with Unit 3. Those are -- I don't why it
36 was...
37
38 MS. MASON: Yeah. You could make it in...
39
40 MS. ROBINSON: It seems like it should have been
41 put into two different sections in here.
42
43 MS. MASON: Well, it came in as one proposal, so
44 that's why.
45
46 MS. ROBINSON: I see.
47
48 MS. MASON: But you could make it into two and
49 that -- because there's -- the next one is for Unit 2,
50 brown black bear would make it symmetrical anyway.
51

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1 MS. ROBINSON: Yeah. I think for Unit 3 it's no
2 determination. Yeah. For residents of Unit 1A, B, and
3 3.
4

5
6 MS. WILSON: So they want to limit Unit 3 to just
7 the Unit -- the hunters from Unit 1A and 1B and 3?
8 Because it stands at Unit 3 there's no determination.
9 And that means everybody can come there to hunt.

10
11 MS. ROBINSON: Right. I would move that we table
12 this -- whatever number this is. 82.
13

14 CHAIRMAN THOMAS: Is there a second? (Pause)
15 Died for a lack of a second.
16

17 MS. WILSON: Oh, I thought I heard somebody
18 second it. I second it.
19

20 CHAIRMAN THOMAS: Make it again, and the chair
21 will...
22

23 MS. ROBINSON: I move that we table number 82.
24

25 CHAIRMAN THOMAS: Is there a second?
26

27 MS. WILSON: I second that.
28

29 CHAIRMAN THOMAS: Okay, non-debatable. All those
30 in favor, say aye.
31

32 ALL IN UNISON: Aye.
33

34 CHAIRMAN THOMAS: Those opposed?
35

36 (No opposing responses.)
37

38 CHAIRMAN THOMAS: The motion carries. That -- 82
39 is tabled. Moves us on to 85.
40

41 MS. MASON: Mr. Chairman.
42

43 CHAIRMAN THOMAS: Rachel.
44

45 MS. MASON: There are -- there are similar
46 proposals for Units 4 and 5 for black bear. I don't
47 know if you want to consider them at the same time as
48 this or do you want to continue going in order?
49

50 CHAIRMAN THOMAS: Where are they at?
51

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1 MS. LE CORNU: Two down...
2
3 MS. ROBINSON: Well, the next one is Unit 2.
4
5 MS. MASON: Let's see, there's -- yeah, the next
6 one down is Unit 2 and that C085. And then C120 down
7 on the same page, and then C127 on the next page for
8 Unit 5.
9
10 MR. KNAUER: And 128.
11
12 MS. MASON: And 128 too. And 131.
13
14 CHAIRMAN THOMAS: What's the wish of the council?
15 Take time to assess those?
16
17 MS. ROBINSON: Well, Unit -- or number 85 limits
18 black bear to the residents of Unit 2. Right now, it's
19 no determination, so it's open to anybody. And the
20 same thing with Unit 4, limits it to the residents of
21 Sitka. And Unit 5 limits it to the residents of
22 Yakutat.
23
24 CHAIRMAN THOMAS: How are we doing with bear in
25 Unit 2, Doug? Is there lots of bear here?
26
27 MR. LARSEN: Yeah, the bear population in Unit 2
28 is relatively high. Mr. Chairman, I have a question.
29
30 CHAIRMAN THOMAS: Okay.
31
32 MS. ROBINSON: There are no black bear in Unit 4.
33
34 MR. LARSEN: That's just what I was going to
35 mention, I mean, I don't know why there's a proposal
36 for Unit 4 black bear when that's a brown bear
37 inhabited system.
38
39 MS. ROBINSON: There are no black bear in Unit 4.
40
41 MR. ANDERSON: Petersburg is probably transfer-
42 ring some bears up there. (Laughter)
43
44 MS. GARZA: Are you sure? In that whole area?
45
46 MS. ROBINSON: There aren't any.
47
48 MR. ANDERSON: No.
49
50 MR. LARSEN: Unit 4 is Admiralty, Baranof,
51 Chicago...

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1
2 CHAIRMAN THOMAS: Well, look at the requestors.
3
4 MS. ROBINSON: The attorneys want to go hunt in
5 there. (Laughter)
6
7 CHAIRMAN THOMAS: They're anticipating a lottery
8 over there.
9
10 MS. LE CORNU: Are they going to bring their own
11 bears?
12
13 MS. ROBINSON: That is pretty bizarre.
14
15 MR. ANDERSON: Larry's going to furnish them
16 bears.
17
18 MS. GARZA: I thought Baranof was the only island
19 that had both brown bear and black bear on it.
20
21 MR. LARSEN: No. For clarification, north of
22 Frederick Sound, the islands that are up there are
23 brown bear inhabited and south of Frederick Sound are
24 black bear inhabited islands such as (indiscernible -
25 simultaneous speech).
26
27 CHAIRMAN THOMAS: Doesn't that apply to Kuiu (ph)
28 Island as well?
29
30 MR. LARSEN: Kuiu is a black bear island.
31
32 CHAIRMAN THOMAS: And Admiralty?
33
34 MR. LARSEN: Admiralty is a brown bear island.
35
36 MS. PHILLIPS: But Baranof is south of Frederick
37 Sound.
38
39 MR. ANDERSON: No brown bear on Kuiu.
40
41 CHAIRMAN THOMAS: No browns?
42
43 MR. LARSEN: Baranof is a brown bear island.
44
45 CHAIRMAN THOMAS: Oh, okay.
46
47 MR. LARSEN: Frederick Sound is just north of
48 Petersburg.
49
50 CHAIRMAN THOMAS: I must have had a bad day.
51

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1 MS. PHILLIPS: I know where Frederick Sound is.
2
3 MS. ROBINSON: Lower Baranof is south of
4 Frederick Sound.
5
6 MR. LARSEN: Yeah, it does extend around a little
7 bit to the south, that's right. That is a -- that is a
8 brown bear island.
9
10 MS. ROBINSON: Yeah, but all the other ones are
11 black bear.
12
13 MR. LARSEN: Right. And then, of course,
14 there's cohabitation of the two on the mainland.
15
16 MS. ROBINSON: Is that the only place where
17 there's cohabitation?
18
19 MR. LARSEN: Yeah, although we've had two
20 documented cases of brown bears on Reville (ph) Island,
21 which is also, for the most part, a black bear island.
22
23 CHAIRMAN THOMAS: Now you tell me.
24
25 MR. ANDERSON: You never get too old to learn
26 something new.
27
28 MS. ROBINSON: I'm inclined to leave things as
29 they are in the regulation book. No determination.
30
31 CHAIRMAN THOMAS: Okay, so offer no proposals on
32 those?
33
34 MS. ROBINSON: Do we want to do what Marilyn was
35 saying and adopt these and then vote them down or -- I
36 mean, how are supposed to be dealing with these things?
37
38 MS. WILSON: We tabled one already.
39
40 MS. ROBINSON: Are these -- are these proposals
41 that -- I mean, they're so old. What's their status?
42
43 MS. MASON: Yes. There's -- Mr. Chairman,
44 there's nothing sacred about this list. It's the
45 backlog. It's simply a list of proposals that came in
46 over the last few years and the people have been given
47 letters saying we might look at them someday.
48
49 MS. ROBINSON: Okay, so we should treat them as
50 proposals...
51

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1 MS. MASON: Yes. Yes.
2
3 MS. ROBINSON: ...that are coming to us. And so
4 those original ones that we did, we shouldn't have just
5 struck them, we should have done what we usually do in
6 the past which was to adopt them and then vote against
7 them. Right?
8
9 MS. MASON: Well...
10
11 MS. ROBINSON: Is that -- is that the proper
12 procedure?
13
14 MS. MASON: There is another factor which is
15 that, at this moment, you're simply deciding what are
16 the priorities so you can defer them saying -- or no
17 action just on grounds of -- that it's not likely that
18 we could analyze all of them.
19
20 CHAIRMAN THOMAS: I think -- I think what we did
21 with -- so far was very appropriate.
22
23 MS. ROBINSON: So we could just strike these
24 ones?
25
26 CHAIRMAN THOMAS: Sure.
27
28 MS. ROBINSON: If we're going to be consistent
29 with...
30
31 CHAIRMAN THOMAS: Yeah. Yeah.
32
33 MS. ROBINSON: ...what we've done today, we would
34 just strike -- not...
35
36 CHAIRMAN THOMAS: Yeah. Yeah.
37
38 MS. ROBINSON: ...do anything with them,
39 basically.
40
41 MS. WILSON: Or table them. Is that the same
42 thing?
43
44 MS. ROBINSON: Or we could table them.
45
46 MS. MASON: Yeah. I don't there's any...
47
48 MS. ROBINSON: You don't think it's necessary?
49
50 MS. MASON: I don't think it's necessary to table
51 them. I think it's okay to strike them.

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1 MS. ROBINSON: Just don't do anything with them?
2
3 MS. MASON: Uh-huh (affirmative).
4
5 MS. ROBINSON: All right. So basically what
6 we're doing is picking out of here what we like and
7 adopting it as our own?
8
9 MS. MASON: Yes.
10
11 MS. ROBINSON: And it doesn't matter what we do
12 with the others.
13
14 MS. WILSON: Well, can we move to have no action
15 on C120?
16
17 MS. ROBINSON: We don't even need to.
18
19 MS. WILSON: We don't even need to?
20
21 MS. ROBINSON: We don't even need to do that.
22
23 MS. MASON: Yeah, you can just pick the ones you
24 like.
25
26 MS. ROBINSON: Just pick the ones you like and
27 act on those. Okay. Good, I like that.
28
29 CHAIRMAN THOMAS: We sound like an agency now.
30 (Laughter)
31
32 MR. CLARK: Well, that's how you got picked.
33
34 CHAIRMAN THOMAS: Hey!
35
36 MR. ANDERSON: Touché.
37
38 MS. ANDERSON: Well, I'm going to stick with how
39 we've done this. I say let's strike number 85. Let's
40 -- I'd like to skip that one. Does anyone have any...
41
42 CHAIRMAN THOMAS: 85?
43
44 MR. FELLER: I'll second it.
45
46 MS. ROBINSON: Yeah, does anyone have any
47 problems with that?
48
49 CHAIRMAN THOMAS: No. Okay.
50
51

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1 MS. ROBINSON: And I would also like to strike
2 120, the black bear on Baranof Island.
3
4 MS. WILSON: And save 122?
5
6 MS. PHILLIPS: Stop right there.
7
8 MS. ROBINSON: Stop right there?
9
10 MS. LE CORNU: Yeah.
11
12 MS. ROBINSON: Well, there was also the black
13 bear up in Yakutat, which is for Units...
14
15 MS. WILSON: Sitka.
16
17 MS. ROBINSON: ...residents of Unit 5A or...
18
19 MS. GARZA: Can we go a little slower? I'm
20 already lost.
21
22 MS. ROBINSON: You're already lost?
23
24 MS. PHILLIPS: Let's just stop there.
25
26 CHAIRMAN THOMAS: Okay. Stop there. I'm not
27 lost, I'm mad at our coordinator. (Laughter)
28
29 MS. WILSON: What was your motion again?
30
31 MS. ROBINSON: I didn't make a motion, I...
32
33 MS. WILSON: Oh.
34
35 MS. ROBINSON: ...I'm -- this is just -- I'd like
36 to delete the number 85, which is the black bear for
37 Unit 2. I don't want to deal with -- I want to leave
38 it the way it is, which is no determination.
39
40 MR. FELLER: Yeah.
41
42 CHAIRMAN THOMAS: An argument could be made that
43 it qualifies for C&T, but I think because of the
44 practice of C&T, with that and the quantity of the
45 game, I don't think it's going to have a negative
46 impact by not acting.
47
48 MS. WILSON: Mr. Chairman?
49
50 CHAIRMAN THOMAS: Marilyn?
51

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1 MS. WILSON: There's 85, 120, 122...
2
3 MS. PHILLIPS: 122 is brown bear.
4
5 MS. WILSON: ...and 127 -- is it?
6
7 MS. LE CORNU: And 127, yes.
8
9 MS. ROBINSON: Are you looking at all the black
10 bear ones?
11
12 MS. WILSON: And 128 and 131.
13
14 MS. ROBINSON: There's quite a few.
15
16 MS. WILSON: Those are all black bear, no
17 determinations.
18
19 MS. ROBINSON: Right.
20
21 MS. WILSON: Strike brown bear, I forgot, that's
22 not the one. So, I thought we weren't going to deal
23 with it; we were just going to skip over it and...
24
25 MS. ROBINSON: That's what I'm saying,...
26
27 MS. WILSON: ...go to the next one.
28
29 MS. ROBINSON: ...but they were saying I was
30 going too fast.
31
32 MS. WILSON: Oh.
33
34 MS. ROBINSON: We -- we could...
35
36 MS. GARZA: I guess in terms of not taking any
37 action or tabling it or something is that if we have a
38 resident in Ketchikan -- what confuses me is that a lot
39 of these have been requested by a forest service and
40 not by a person or not by a commissioner or not by a
41 tribe and -- but there could be someone in Ketchikan
42 who supports this -- or someone on Prince of Wales who
43 supports this and are expecting us to take action. And
44 so we are, in fact, acting like bureaucrats -- no
45 offense to you guys, but -- (Laughter) -- I mean I
46 think in part it's our responsibility to do something.
47
48 MS. ROBINSON: Or maybe it's our responsibility
49 to do nothing.
50
51 MS. GARZA: Well, I guess I disagree with that.

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1 MS. ROBINSON: Well, I mean, it's just sometimes
2 you can accomplish more (indiscernible - simultaneous
3 speech).
4

5
6 CHAIRMAN THOMAS: Ah, ah, ah, Patty -- Patty, you
7 go.
8

9 MS. PHILLIPS: Move to strike C085, C120.
10

11 CHAIRMAN THOMAS: You have a motion to strike 85
12 and 120.
13

14 MS. ROBINSON: I'll second that.
15

16 CHAIRMAN THOMAS: It's been moved and seconded.
17 Further discussion.
18

19 MS. WILSON: Question.
20

21 CHAIRMAN THOMAS: Question's been called for.
22 All those in favor of the motion say aye.
23

24 ALL IN UNISON: Aye.
25

26 CHAIRMAN THOMAS: Those opposed?
27

28 (No opposing votes)
29

30 CHAIRMAN THOMAS: The motion carries.
31

32 MS. WILSON: Are you going to strike 127, 128 and
33 131 also?
34

35 MS. GARZA: Let's go page by page doing it.
36

37 CHAIRMAN THOMAS: Excuse me?
38

39 MS. GARZA: Marilyn, how about if we just go page
40 by page?
41

42 MS. WILSON: Oh, okay.
43

44 CHAIRMAN THOMAS: That brings us down to 86.
45

46 MS. MASON: Okay, that would be in Unit 3 --
47 deer. The requested determination is Unit 3 deer,
48 residents of Unit 1A and 2 and the existing deter-
49 mination is Unit 3 deer, residents of Unit 1B and 3 and
50 residents of Port Alexander, Port Protection, Point
51 Baker and Meyer's Chuck. That came in in 1991.

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1
2 CHAIRMAN THOMAS: Okay guys, this is what
3 it's all about. These are tribes we haven't dealt with
4 in a long time.

5
6 MS. GARZA: Mr. Chairman?

7
8 CHAIRMAN THOMAS: Dolly?

9
10 MS. GARZA: I guess I find it quite confusing
11 that someone from the Forest Service would suggest that
12 we exclude residents of the unit that is being
13 discussed. I mean, if it's Unit 3 deer, that ought to
14 at least include Unit 3 rural residents.

15
16 MS. PHILLIPS: Right.

17
18 MS. GARZA: So should it be the opposite?

19
20 MS. ROBINSON: So you think it's a typo? It
21 should be 3 not 2? So it would be Unit 1A and 3?

22
23 MS. PHILLIPS: Maybe they just forgot 3.

24
25 MS. ROBINSON: Well, in the existing regulations,
26 it's Units 1B and 3.

27
28 MR. NEWHOUSE: Mr. Chairman?

29
30 CHAIRMAN THOMAS: Hank?

31
32 MR. NEWHOUSE: I can speak...

33
34 COURT REPORTER: Mr. Newhouse, could you get up
35 to a microphone?

36
37 CHAIRMAN THOMAS: Yeah, guys, rather than have me
38 request you, please be reminded, we really enjoy your
39 participation, we need it, we look forward to it, but
40 to help our recorder, just kind of move up to the table
41 and then that'll work. Thank you.

42
43 MR. NEWHOUSE: My name's Hank Newhouse with the
44 Forest Service and I have done some analysis on use of
45 deer within Unit 3 in the past and it is my knowledge
46 -- to my knowledge and I've checked and looked at data
47 over a number of years -- that the residents on the
48 north end of Prince of Wales Island do use the area in
49 Unit 3, particularly Conclusion Island, I believe, is
50 the island just north of Prince of Whales, is a very
51 favorite deer hunting area for that and they consider

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1 that one of their really special subsistence areas.
2
3 MS. ROBINSON: For who? Unit 3 residents?
4
5 MR. NEWHOUSE: Yeah. Yes, they're Point Baker
6 and Port Protection residents. And that's all I have
7 to...
8
9 MS. GARZA: But, Mr. Chairman?
10
11 CHAIRMAN THOMAS: Yes.
12
13 MS. GARZA: I guess in reading under present
14 determination, it already includes residents of Unit
15 1B, residents of Unit 3 and residents of PA, Port
16 Protection, Point Baker and Meyer's Chuck. So I'm not
17 sure if Unit 1A and 2 is supposed to be in addition to
18 those or if it replaces those or what.
19
20 MS. MASON: I can't give any enlightenment on
21 that.
22
23 MR. NEWHOUSE: What I heard somebody suggesting
24 was to change this to Unit -- you know, residents of
25 Unit 3 there -- and what I was speaking to there -- if
26 you do that, then that excludes one -- a couple of
27 communities that do use this area, and there's a long
28 history of them using that particular area.
29
30 MS. PHILLIPS: Okay, if we use the existing?
31
32 MS. GARZA: But the existing includes those
33 communities.
34
35 MR. NEWHOUSE: The existing regulation does. But
36 I heard somebody just a moment ago that was going to
37 suggest to change the 2 to just people within Unit 3.
38
39 CHAIRMAN THOMAS: Okay, another observation,
40 well, not everybody has a same value for the boundaries
41 are existing. Residents within those boundaries feel a
42 certain ownership to those. Personally, I would be
43 reluctant to offer C&T provisions for a group outside
44 of the unit, to incorporate them in another unit. I
45 just wouldn't be comfortable with that.
46
47 MS. GARZA: Mr. Chairman?
48
49 CHAIRMAN THOMAS: Dolly.
50
51 MS. GARZA: Because I think the existing deter

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1 mination covers the communities that have been listed
2 as users, I would move to strike C086,...
3
4 MS. PHILLIPS: Second.
5
6 MS. GARZA: ...because, I'm not sure what it
7 does.
8
9 CHAIRMAN THOMAS: It's been moved and seconded to
10 strike 86. Further discussion?
11
12 MR. ROBERTS: Just for clarification -- this is
13 Larry Roberts with the Forest Service in Petersburg.
14 This was an earlier proposal and there is obviously
15 some confusion in what was recommended here. And I
16 agree with your concerns, Dolly, on that and the
17 existing determination seems to be more reflective of
18 the current and long-standing use patterns there for
19 that particular area and we apologize for the confusion
20 there.
21
22 CHAIRMAN THOMAS: You don't have any problem with
23 the intent of the motion?
24
25 MS. ROBINSON: Question.
26
27 CHAIRMAN THOMAS: Question's been called. All
28 those in favor say aye.
29
30 ALL IN UNISON: Aye.
31
32 CHAIRMAN THOMAS: Opposed, same sign?
33
34 (No opposing responses.)
35
36 CHAIRMAN THOMAS: That motion carries. That
37 takes us then to 119.
38
39 MS. MASON: Okay, this one is for all species and
40 the requested determination is that Sitka residents
41 should have C&T use of all fish and game and plants.
42 And the existing determination is -- there's too many
43 to list. And that one came in 11/5/91.
44
45 MS. GARZA: Mr. Chairman?
46
47 CHAIRMAN THOMAS: Dolly?
48
49 MS. GARZA: Because of the ambiguity and broad-
50 ness of this, I would move to strike C119.
51

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1 CHAIRMAN THOMAS: You hear the motion.
2
3 MR. ANDERSON: Second Dolly's motion.
4
5 CHAIRMAN THOMAS: Second. If we -- any
6 discussion on that?
7
8 MR. ANDERSON: Under discussion, I agree with
9 Dolly's interpretation. It is -- it's a broad base
10 without -- I know that we discussed this when it first
11 came in and it was left -- no action was taken on it.
12
13 CHAIRMAN THOMAS: Okay, further discussion or
14 call for the question.
15
16 MR. ANDERSON: Question.
17
18 MS. ROBINSON: Question.
19
20 CHAIRMAN THOMAS: Question has been called for.
21 All those in favor say aye?
22
23 ALL IN UNISON: Aye.
24
25 CHAIRMAN THOMAS: All those opposed?
26
27 (No opposing responses).
28
29 CHAIRMAN THOMAS: The motion is carried. I was
30 going to say, if we adopted this, I have friends in
31 Columbia that would like to start a growing process in
32 Sitka under the provision of plants. (Laughter)
33
34 MS. GARZA: Send 'em in.
35
36 CHAIRMAN THOMAS: Okay we struck 120 and we need
37 to deal with 122, is that correct? Brown bear.
38
39 MS. MASON: Okay, so we're to 122. That's for
40 Unit 4 brown bear, residents of Sitka. That's the
41 requested determination and the existing determination
42 is Unit 4 brown bear, residents of Unit 4 and Kake.
43 And that came in in 1992.
44
45 MS. GARZA: Mr. Chairman?
46
47 CHAIRMAN THOMAS: Dolly.
48
49 MS. GARZA: I'd move to strike C122. I don't
50 think we should be eliminating communities that have
51 already...

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1 MS. PHILLIPS: Second.
2
3 MS. GARZA: ...been considered.
4
5 CHAIRMAN THOMAS: Motion and second. Discussion?
6
7 MS. WILSON: Question.
8
9 CHAIRMAN THOMAS: Question has been called. All
10 those in favor say aye?
11
12 ALL IN UNISON: Aye.
13
14 CHAIRMAN THOMAS: Opposed?
15
16 (No opposing responses)
17
18 CHAIRMAN THOMAS: That motion carries. 171,
19 Ungulates.
20
21 MS. MASON: Okay. The requested determination is
22 for Unit 4 deer. It's residents of Unit 4 and
23 residents of Kake, Gustavus, ...
24
25 MR. ANDERSON: Gustavus.
26
27 MS. MASON: Gustavus, excuse me.
28
29 CHAIRMAN THOMAS: Who's Gus Davis?
30
31 MS. MASON: Haines, Petersburg, Point Baker,
32 Klukwan, Port Protection, Wrangell and Yakutat. The
33 existing determination is Unit 4 deer, residents of
34 Unit 4 and residents of Kake, Gustavus, Haines,
35 Petersburg, Point Baker, Klukwan, Port Protection and
36 Wrangell. And that came in in 1992.
37
38 MS. PHILLIPS: Adding Yakutat.
39
40 MS. MASON: Yeah.
41
42 MS. GARZA: They got their own deer.
43
44 MR. CLARK: Mr. Chairman. Under the potential
45 wrath of the chair, I'd like to offer my assistance to
46 call any of these individuals, should the council wish
47 them to be contacted about their -- their submission.
48
49 MS. GARZA: What year was this done?
50
51

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1 MR. MASON: '92?
2
3 MR. CAPRA: Mr. Chair?
4
5 CHAIRMAN THOMAS: Yeah.
6
7 MR. CAPRA: Just a clarification. There's a very
8 limited population of introduced deer around Yakutat
9 and the reason for the request was to be able to
10 harvest deer. They were introduced on two islands
11 (indiscernible - away from mike).
12
13 CHAIRMAN THOMAS: Patty.
14
15 MS. PHILLIPS: Mr. Chair, move to adopt C171.
16
17 MS. ROBINSON: Second.
18
19 CHAIRMAN THOMAS: It's been moved and seconded to
20 adopt 171. Further discussion?
21
22 MS. WILSON: Mr. Chairman?
23
24 CHAIRMAN THOMAS: Marilyn?
25
26 MS. WILSON: Since we didn't move to strike this
27 one, does that mean we vote it down and not accept it
28 or do we accept it? I don't -- I don't get this one.
29
30 MS. ROBINSON: Which -- either way you want to
31 go.
32
33 MS. WILSON: I don't understand -- all we're
34 doing is adding Yakutat?
35
36 MS. ROBINSON: Right.
37
38 CHAIRMAN THOMAS: Yep.
39
40 MS. GARZA: I don't -- Mr. Chairman?
41
42 CHAIRMAN THOMAS: Dolly?
43
44 MS. GARZA: Speaking in favor of the motion, I
45 don't see any problem with adding Yakutat, especially
46 if they don't have a lot of deer. This is assuming
47 that a message goes back that we expect to trade and
48 barter for this privilege.
49
50 MR. ANDERSON: And that we get to share their
51 moose that the allocated moose.

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1
2 CHAIRMAN THOMAS: An ungulate for an ungulate.
3
4 MR. ANDERSON: That's right.
5
6 CHAIRMAN THOMAS: Bill.
7
8 MR. KNAUER: Mr. Chairman, a point of
9 clarification. Are the islands that the Yakutat folks
10 are interested in hunting in, in Unit 4 or Unit 5?
11
12 MR. CAPRA: They're interested in hunting in Unit
13 4. There is three islands total with small islands
14 with deer...
15
16 MS. GARZA: What year was it, Rachel?
17
18 MS. MASON: '92.
19
20 MS. GARZA: Pardon?
21
22 MS. MASON: '92.
23
24 MR. CAPRA: They want the hunt in Unit 4.
25
26 MR. KNAUER: Okay, that sounds like they're two
27 totally separate issues. The deer in Unit 5 wouldn't
28 be -- would not be an issue here.
29
30 MS. ROBINSON: No. No, it isn't.
31
32 MR. CAPRA: No, I was just clarifying that there
33 are very few deer in Yakutat.
34
35 CHAIRMAN THOMAS: Mim.
36
37 MS. ROBINSON: This is -- every once in awhile I
38 have to remind myself that we're dealing with C&T here,
39 not -- nothing more than that. And this sounds like
40 it's getting into allocation of wildlife, you know,...
41
42 MS. LE CORNU: Non-C&T.
43
44 MS. ROBINSON: ...and that's not what we're doing
45 here. I mean, this is -- is there C&T use of Yakutat
46 residents for deer in resident -- Unit 4.
47
48 CHAIRMAN THOMAS: Patty.
49
50 MS. PHILLIPS: Mr. Chair, I'd like to verify that
51 ~~there is C&T use. We have a number of Pelican~~

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1 residents who are also residents of the Dry Bay area.
2 They have their Alsak (ph) River permits, setnet sites.
3 They reside in the fishing season at Dry Bay and they
4 reside in Pelican. And so, you know, they come down,
5 they fish -- or hunt their deer in Pelican and they're
6 able to hunt their moose in Yakutat. And we bought --
7 I -- I own a homesite which was an original homesite of
8 Pelican and the owners of that -- I have like four sets
9 of moose horn in my yard because these people migrated
10 between Pelican and Dry Bay. And so there's that
11 established C&T.

12
13 CHAIRMAN THOMAS: Bill?

14
15 MR. KNAUER: Mr. Chairman, an individual or a
16 family is resident in one location for federal
17 regulations. They have a primary residence. And if
18 they are residents in Unit 5, we'll say in Yakutat,
19 then they would have C&T wherever the regulations
20 permit for that. If their primary residence is in
21 Pelican, then they would have C&T and be eligible to
22 hunt wherever residents of Pelican can hunt under these
23 federal regulations. They would certainly be able to
24 hunt elsewhere under state regulations, but an
25 individual cannot have...

26
27 MS. LE CORNU: Two domiciles?

28
29 MR. KNAUER: ...two domiciles. Two primary
30 domiciles.

31
32 MS. LE CORNU: I disagree with that as being
33 customary and traditional.

34
35 MS. WILSON: I call for the question.

36
37 CHAIRMAN THOMAS: The question's been called.
38 All those in favor say aye.

39
40 ALL IN UNISON: Aye.

41
42 CHAIRMAN THOMAS: Those opposed say no.

43
44 (No opposing responses)

45
46 CHAIRMAN THOMAS: That takes us down to fur
47 bearers.

48
49 MS. MASON: Okay, that would be number C126, and
50 the requested determination is Unit 4 fur bearers for
51 residents of Sitka area and the existing determination

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1 for that Unit 4 fur bearers is no determination. And
2 this came in in November -- November 5th, 1991.
3
4 MS. WILSON: What does fur bearer mean?
5
6 CHAIRMAN THOMAS: Mink.
7
8 MR. ANDERSON: That that little fellow right here
9 on the front of the book.
10
11 CHAIRMAN THOMAS: Beaver.
12
13 MS. MASON: Coyote.
14
15 CHAIRMAN THOMAS: Cats.
16
17 MS. MASON: Marten.
18
19 MS. PHILLIPS: Mr. Chair?
20
21 CHAIRMAN THOMAS: Patty.
22
23 MS. PHILLIPS: Move to strike C126 and C123 for
24 the reasons we struck C122.
25
26 MS. ROBINSON: Second.
27
28 CHAIRMAN THOMAS: There's a motion and a second.
29 Further discussion?
30
31 MR. ANDERSON: Which one?
32
33 MS. ROBINSON: 126 and 123.
34
35 MS. GARZA: What was the reasons we struck 122?
36
37 MR. CLARK: Did Patty make the motion?
38
39 MS. ROBINSON: Yeah.
40
41 MS. PHILLIPS: Because it's restricting Unit 4
42 users to only residents of Sitka.
43
44 MS. GARZA: Yeah, but with no determination, it's
45 nobody -- I mean, it's anybody.
46
47 MS. ROBINSON: Well, we can always come back and
48 make our own proposal on these.
49
50 CHAIRMAN THOMAS: In the Sitka area, talking
51 ~~Chicago and Baranof or Sitka Sound?~~

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1
2 MS. ROBINSON: What's your question?
3
4 CHAIRMAN THOMAS: Where it refers -- the request
5 of determination says residents of the Sitka area.
6
7 MS. ROBINSON: So they're the only ones that
8 could get them on the whole of Unit 4. So nobody else
9 in Unit 4 could do it -- get any fur bearers. ABC,
10 Admiralty, Baranof, Chichagof. That doesn't make much
11 sense.
12
13 MS. WILSON: Well, does any other area have C&T
14 in this area besides Sitka?
15
16 MS. ROBINSON: I would think so.
17
18 MS. GARZA: I think that what it needs to be
19 changed to is just residents of Unit 4. Whoever wrote
20 this may not have realized how large Unit 4 was.
21
22 CHAIRMAN THOMAS: And they probably didn't --
23 didn't identify themselves.
24
25 MS. ROBINSON: And it may need to be more than
26 just Unit 4. There may be some crossover going on.
27
28 CHAIRMAN THOMAS: Okay now, the motion is to
29 strike. Further discussion on the motion? Speak in
30 favor of it or in opposition to.
31
32 MS. ROBINSON: I would say that we just go ahead
33 and strike this one and if we want to do anything
34 different that what's in the proposal book, that we
35 come in with -- or in the reg book, that we come up
36 with our own proposal.
37
38 CHAIRMAN THOMAS: Okay.
39
40 MS. WILSON: Is this 126 only?
41
42 MS. ROBINSON: And 123.
43
44 MS. WILSON: And 123 also?
45
46 MS. ROBINSON: Yeah.
47
48 MS. WILSON: I second that.
49
50 MS. ROBINSON: We -- it's already been seconded.
51

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1 MS. WILSON: Okay.
2
3 CHAIRMAN THOMAS: Further discussion?
4
5 MR. SCHENK: Mr. Chairman?
6
7 CHAIRMAN THOMAS: Yeah, Ted.
8
9 MR. SCHENK: There has been some -- if this was
10 in '91 or '92 when this was proposed, you have taken
11 action on fur bearers in at least a portion of GMU 4 on
12 marten on a number of occasions. And you actually have
13 made a...
14
15 CHAIRMAN THOMAS: Regulation.
16
17 MR. SCHENK: ...a regulation...
18
19 CHAIRMAN THOMAS: Right.
20
21 MR. SCHENK: ...restricting subsistence users.
22
23 CHAIRMAN THOMAS: So this motion wouldn't be
24 impacted by that action anyway.
25
26 MS. ROBINSON: It wouldn't change anything that
27 we already have on the books. I mean, we're deleting
28 this proposal, not what's in the books.
29
30 MR. SCHENK: Okay, but just be aware the we have
31 ceiling (ph) records from people in Tenakee, Hoonah,
32 Pelican, Elfin Cove and Angoon from GMU 4 marten
33 trapping so...
34
35 CHAIRMAN THOMAS: Yeah, that wouldn't be
36 interrupted.
37
38 MR. SCHENK: Okay, there's a number of people
39 besides (indiscernible - unclear) Sitka.
40
41 MS. ROBINSON: Right. Question.
42
43 CHAIRMAN THOMAS: The question's been called for.
44 All those in favor say aye.
45
46 MS. ROBINSON: Aye.
47
48 MR. ANDERSON: Aye.
49
50 MR. FELLER: Aye.
51

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1 MS. WILSON: Aye.
2
3 MS. RUDOLPH: Aye.
4
5 MS. PHILLIPS: Aye.
6
7 CHAIRMAN THOMAS: Opposed same sign?
8
9 MS. GARZA: Opposed.
10
11 CHAIRMAN THOMAS: Okay, motion carries. That
12 takes us then to 127, black bear.
13
14 MS. MASON: Mr. Chairman, did you want to
15 consider 127, 128 and 131 all together. They're all...
16
17 CHAIRMAN THOMAS: What is the wish of the
18 council?
19
20 MR. ANDERSON: So wished.
21
22 CHAIRMAN THOMAS: All three of them?
23
24 MR. ANDERSON: All three together. So moved.
25
26 MS. MASON: Okay, all three of these deal with
27 black bear in Unit 5. 127 asks to -- the requested
28 determination is residents of Yakutat for Unit 5 black
29 bear and the existing determination is, Unit 5 black
30 bear, no determination. That one came in in 1991.
31 C128 is the same thing except for instead of residents
32 of Yakutat, it wants residents of Unit 5. And that one
33 also came in in 1991. C131, again, just like -- it's
34 identical to C127. But that one came in in 1990. Yes?
35
36 CHAIRMAN THOMAS: Dolly.
37
38 MS. GARZA: Mr. Chairman, I guess I'm not crazy
39 about dealing with them all together because these are
40 the first ones that have come from a subsistence
41 resource commission or a local advisory committee and
42 not from the forest service or not from an unknown and
43 I think that it's something that we can deal with. If
44 it's primarily the Yakutat area or Unit 5 residents
45 that have C&T, then we should recognize that.
46
47 CHAIRMAN THOMAS: Okay, well, then we'll do them
48 one at a time. So now we're dealing with 127. What's
49 the wish of the council?
50
51 MS. GARZA: Mr. Chairman?

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1
2 CHAIRMAN THOMAS: Dolly.
3
4 MS. GARZA: Before we deal with any of them, I
5 guess I would like to ask what other residents are
6 there of Unit 5 other than Yakutat?
7
8 MS. ROBINSON: None.
9
10 MS. MASON: It's the only community.
11
12 MS. GARZA: Like is Dry Bay considered another
13 community or...
14
15 MR. CAPRA: Mr. Chairman?
16
17 CHAIRMAN THOMAS: Yes.
18
19 MR. CAPRA: Jim Capra with the park service.
20 There are some year-round residents around Icy Bay,
21 mostly in the form of caretaking on some lodges and
22 possibly at the logging camps. Other than that, there
23 are no year-round residences in Unit 5. Dry Bay and
24 the other fishing sites are just seasonal and most of
25 the people live in Yakutat. Some further south.
26
27 CHAIRMAN THOMAS: So the answer would be that
28 Yakutat is the only community in that district -- in
29 that unit.
30
31 MS. GARZA: That's likely to have C&T -- that
32 would likely have residents.
33
34 MR. CAPRA: Yeah.
35
36 MS. GARZA: Okay. In that regard, Mr. Chairman,
37 I would move to accept C127 submitted by Wrangell-St.
38 Elias Subsistence Resource Commission.
39
40 MS. ROBINSON: Second.
41
42 CHAIRMAN THOMAS: There is a motion and a second.
43 Further discussion?
44
45 MR. ANDERSON: Question.
46
47 CHAIRMAN THOMAS: The question's been called.
48 All those in favor say aye.
49
50 ALL IN UNISON: Aye.
51

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1 CHAIRMAN THOMAS: All those opposed say no.
2
3 (No opposing responses.)
4
5 CHAIRMAN THOMAS: The motion carries. That
6 brings us down to 128, black bear.
7
8 MS. GARZA: Mr. Chairman?
9
10 CHAIRMAN THOMAS: Dolly.
11
12 MS. GARZA: I would move, in consideration of our
13 acceptance of C127, that we strike 128 and 131.
14
15 CHAIRMAN THOMAS: Is that a motion?
16
17 MS. GARZA: Yes.
18
19 MS. ROBINSON: Second.
20
21 CHAIRMAN THOMAS: There is a motion, it's been
22 seconded. Discussion?
23
24 UNIDENTIFIED: Question.
25
26 CHAIRMAN THOMAS: The question's been called.
27 All those in favor say aye.
28
29 ALL IN UNISON: Aye.
30
31 CHAIRMAN THOMAS: Opposed same sign.
32
33 (No opposing responses.)
34
35 CHAIRMAN THOMAS: The motion carries. That brings
36 us down to C134.
37
38 MS. MASON: Okay, this one's for goat in Unit 5
39 and 6A. And incidently, Unit 6A is not technically in
40 the Southeast region. But, I don't know if that's a
41 relevant fact.
42
43 MS. GARZA: It doesn't matter to us.
44
45 MS. MASON: The existing determination is, Unit 5
46 goat, no determination. Unit 6A goat, no deter-
47 mination. The requested determination is Unit 5 and
48 6A, goat for residents of Yakutat. That came in from
49 the State Southeast Regional Fish and Game Council in
50 1992.
51

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1 CHAIRMAN THOMAS: The chair will rule to strike
2 6A.
3
4 MS. ROBINSON: Can -- I take it that we can't
5 take any action on the 6A part of it?
6
7 CHAIRMAN THOMAS: No, that's not -- that's not in
8 our region. Patty?
9
10 MS. PHILLIPS: I move to strike C134 because the
11 area we are dealing with is in C185.
12
13 MS. ROBINSON: Second.
14
15 MS. GARZA: Question.
16
17 CHAIRMAN THOMAS: The question's been called.
18 All those in favor say aye.
19
20 ALL IN UNISON: Aye.
21
22 CHAIRMAN THOMAS: Those opposed, same sign.
23
24 (No opposing responses.)
25
26 CHAIRMAN THOMAS: The motion carries.
27
28 MS. ROBINSON: I move that we adopt C185.
29
30 CHAIRMAN THOMAS: I want all the language
31 regarding this one with absolute reverence, looking at
32 the...
33
34 MS. PHILLIPS: Second.
35
36 CHAIRMAN THOMAS: ...looking at the requestors.
37
38 CHAIRMAN THOMAS: It's been moved and seconded.
39 Discussion?
40
41 MR. ANDERSON: Call for the question.
42
43 CHAIRMAN THOMAS: Question has been called for.
44 All those in favor say aye.
45
46 ALL IN UNISON: Aye.
47
48 CHAIRMAN THOMAS: Opposed, same sign.
49
50 (No opposing responses.)
51

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1 CHAIRMAN THOMAS: The motion carries.
2 133, moose.
3
4 MR. RABINOWITCH: Excuse me, Mr. Chairman?
5
6 CHAIRMAN THOMAS: Sandy.
7
8 MR. RABINOWITCH: A question of clarification on
9 your last vote and on the previous one. When you've
10 been using the term "strike," as I understand it, to
11 say that they -- some of these haven't -- aren't
12 priorities for you today and you can leave them on the
13 list for future consideration. On the last one, when
14 you used the term "strike," it wasn't clear to me if
15 you actually meant to recommend against it because the
16 previous one had dealt with it or if...
17
18 MS. GARZA: That was my intent.
19
20 CHAIRMAN THOMAS: The following dealt with it.
21
22 MR. RABINOWITCH: I'm sorry. But is it your
23 intent to leave these on the list and come back
24 (indiscernible - unclear)?
25
26 CHAIRMAN THOMAS: (indiscernible).
27
28 MR. RABINOWITCH: It would be helpful, when you
29 literally want to cross something off, if you can use a
30 different term. Because as this gets written up and
31 goes up through the line, that distinction will help.
32
33 CHAIRMAN THOMAS: Marilyn.
34
35 MS. ROBINSON: If we want to look at it later,
36 why don't we use "defer"?
37
38 MS. PHILLIPS: I thought it was "table."
39
40 MS. ROBINSON: Well,...
41
42 CHAIRMAN THOMAS: No.
43
44 MS. GARZA: "Table" implies that you have to look
45 at it at the next meeting...
46
47 MS. PHILLIPS: Oh.
48
49 CHAIRMAN THOMAS: Yeah.
50
51 ~~MS. GARZA: ...under Robert's Rules of Order.~~

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1
2
3 MS. ROBINSON: "Defer" is unlimited.
4
5 MS. PHILLIPS: When I stated to move to strike,
6 that means...
7
8 MS. ROBINSON: Delete.
9
10 MS. PHILLIPS: Yes.
11
12 CHAIRMAN THOMAS: Throw it away, huh?
13
14 MS. PHILLIPS: Or get rid of it.
15
16 MS. ROBINSON: That's kind of been my feeling, is
17 just -- been done with that. I don't know.
18
19 CHAIRMAN THOMAS: If our sense is that the action
20 that we take subsequent is going to satisfy the same
21 thing, then it's to delete.
22
23 MR. RABINOWITCH: Thank you.
24
25 CHAIRMAN THOMAS: Okay. 133.
26
27 MS. MASON: Okay, this one's been...
28
29 CHAIRMAN THOMAS: Good question, thank you.
30 Sorry about that, Rachel.
31
32 MS. MASON: This one's for moose in Unit 5 and
33 it's -- the requested determination is for residents of
34 Unit 5 in Unit 5. And the existing determination is
35 that only -- it was only residents of Unit 5A in Unit 5
36 for moose.
37
38 MS. GARZA: Mr. Yakutat, what's the difference?
39
40 MR. CAPRA: Unit 5A is a sub-unit with Yakutat
41 and I'm not aware of any year-round residents except
42 for lodge caretakers in the other subunit.
43
44 MR. SCHENK: There were legitimate people from
45 Yakutat who were living -- at the time this was
46 proposed -- were on the other side. And they said, "We
47 don't think that it's right that just the people who
48 live in 5A can come up here and hunt moose but we can't
49 go down there and hunt moose." So that -- when the
50 Chatham area made this proposal, we felt that because
51 of the bulk of the people live in Yakutat, that it

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1 wouldn't really affect the number of moose that would
2 be taken but it would be fair to the people who lived
3 in 5B to not be excluded if there was a shortage.
4

5 MS. GARZA: And is there still a permanent C&T
6 population who lives in 5B?
7

8 MR. SCHENK: Well, like you said, caretakers and
9 that kind of thing who live out there and if they
10 should fly in to Yakutat, to have the opportunity to
11 hunt the moose or something, I think it would be fair
12 to them. It doesn't involve a number of people.
13

14 MR. KANEN: I think that was discussed too, with
15 John Vale at length.
16

17 MR. SCHENK: Yes.
18

19 MS. GARZA: And what did he say?
20

21 CHAIRMAN THOMAS: Mim?
22

23 MS. ROBINSON: Well, it just seems to me again
24 this -- we're not talking about future use, we're
25 talking about what the C&T use is. If there's been in
26 the past use by people in 5B, then this -- we should
27 adopt this.
28

29 MR. CAPRA: There had been people living over
30 there who had C&T use...
31

32 MS. ROBINSON: Yeah.
33

34 MR. CAPRA: ...I'm not aware of any right now.
35

36 MS. ROBINSON: Right. I move that we adopt 133.
37

38 MR. ANDERSON: Second. (Simultaneously)
39

40 MS. GARZA: Second. (Simultaneously)
41

42 CHAIRMAN THOMAS: It's been moved and second.
43 Further discussion?
44

45 MS. GARZA: Question.
46

47 CHAIRMAN THOMAS: The question called. All those
48 in favor say aye.
49

50 ALL IN UNISON: Aye.
51

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1 CHAIRMAN THOMAS: Opposed same sign?
2
3 MS. GARZA: Holy cow, Yakutat's busy.
4
5 MS. ROBINSON: Yeah. There's more to come.
6
7 (No opposing responses.)
8
9 MS. MASON: Okay, Unit 5 wolf. This is -- the
10 requested determination is for unit residents of
11 Yakutat. The existing one is no determination and this
12 came in in 1990.
13
14 CHAIRMAN THOMAS: Wish of the council?
15
16 MS. GARZA: Move to pass.
17
18 MS. ROBINSON: Second.
19
20 CHAIRMAN THOMAS: Move to adopt?
21
22 MS. GARZA: Adopt. Endorse.
23
24 CHAIRMAN THOMAS: Moved and seconded. Any
25 discussion?
26
27 MS. ROBINSON: Question.
28
29 CHAIRMAN THOMAS: The question's been called.
30 All those in favor say aye.
31
32 ALL IN UNISON: Aye.
33
34 CHAIRMAN THOMAS: Those opposed, same sign.
35
36 (No opposing responses)
37
38 CHAIRMAN THOMAS: The motion carries.
39
40 MS. WILSON: Mr. Chairman?
41
42 CHAIRMAN THOMAS: Marilyn.
43
44 MS. WILSON: I am having a hard time -- I'm
45 thinking in the old vein. What we're doing is the C&T
46 determinations or the C&T of these -- hunting these
47 animals -- or trapping. And it seems like what we just
48 now passed, Unit 5, the wolf, everybody could come in
49 from Unit 5 -- in that whole area -- and trap wherever
50 they want?
51

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1 MS. PHILLIPS: There's only one community in 5
2 and that's Yakutat.

3
4 MS. WILSON: Yeah, I know.

5
6 MS. PHILLIPS: What we passed made it where only
7 residents of Yakutat could...

8
9 MS. ROBINSON: ...have C&T use.

10
11 MS. WILSON: ...have C&T use. Okay.

12
13 CHAIRMAN THOMAS: Dale.

14
15 MR. KANEN: I think on some of those there was an
16 effort by John Vale in the Chatham area to avoid using
17 the term Yakutat and refer to residents of the unit.
18 The reason is the Yakutat boundaries stop short of some
19 of the -- there's some outlying stuff, especially out
20 around the airport. And that caused problems with
21 moose, so there was a -- we had to go through -- jump
22 through a bunch of stuff to -- stuff on moose to stop
23 using Yakutat and say MU5. And so on -- you might
24 carry through with that on...

25
26 CHAIRMAN THOMAS: I would suggest I would defer
27 these then.

28
29 MS. ROBINSON: Why would we need to defer them?
30 Why don't we just change it so that it's the residents
31 of Unit 5?

32
33 MR. KANEN: Yeah.

34
35 MS. ROBINSON: Wherever we have Yakutat. How
36 about I move that any motions that we've made today
37 dealing with where it has residents of Yakutat, that
38 those now will say residents of Unit 5. That's my
39 motion.

40
41 MS. PHILLIPS: Second.

42
43 COURT REPORTER: I'm sorry, who seconded?

44
45 CHAIRMAN THOMAS: Patty. Any discussion?

46
47 MS. ROBINSON: Question.

48
49 CHAIRMAN THOMAS: The question's been called.
50 All those in favor say aye.
51

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1 ALL IN UNISON: Aye.
2
3 CHAIRMAN THOMAS: Those opposed, same sign.
4
5 (No opposing responses.)
6
7 CHAIRMAN THOMAS: Okay, that motion carries.
8 That brings us down to 129.
9
10 MS. ROBINSON: Mr. Chair?
11
12 CHAIRMAN THOMAS: Mim.
13
14 MS. ROBINSON: It looks like 129, 139, 135, 136,
15 137, 138 are all dealing with 6A. The first ones, 129
16 and 139 have Unit 5 but we've just dealt with goat --
17 goats in Unit 5.
18
19 MS. MASON: For Yakutat -- or Unit 5.
20
21 MS. ROBINSON: Unit 5 Yakutat area.
22
23 MS. PHILLIPS: Oh, up there. Okay.
24
25 MS. ROBINSON: We just did that. So I move that
26 we delete 129 through 138 on page 6.
27
28 CHAIRMAN THOMAS: So we delete 129, 139, 135,
29 136, ...
30
31 MS. ROBINSON: 137, 138.
32
33 CHAIRMAN THOMAS: ...137, 138.
34
35 MS. PHILLIPS: Second.
36
37 CHAIRMAN THOMAS: Moved and second to delete.
38 More discussion? Marilyn?
39
40 MR. FELLER: Question.
41
42 MS. WILSON: I want to ask something here. We
43 are trying to say again that Unit 4A -- is that
44 residents of 4A -- have no...
45
46 MS. ROBINSON: 6A.
47
48 MS. WILSON: 6A.
49
50 MS. ROBINSON: We can't deal with 6A.
51

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1 MS. WILSON: Why can't we?
2
3 MS. ROBINSON: It's not in our region.
4
5 CHAIRMAN THOMAS: It's not in our region.
6
7 MS. ROBINSON: I don't know why it's in here.
8
9 MS. LE CORNU: And we already dealt with 5.
10
11 MS. WILSON: Well, if it's their customary and
12 traditional usage area, I don't see why it cannot be
13 done, even if it's in another region. What's the
14 difference?
15
16 MS. ROBINSON: But it's -- we can't say what
17 happens in Unit 6A.
18
19 MS. WILSON: We could try. (Laughter)
20
21 CHAIRMAN THOMAS: I want to simplify that. We're
22 not going to.
23
24 MR. ANDERSON: Mr. Chairman.
25
26 CHAIRMAN THOMAS: Lonnie.
27
28 MR. ANDERSON: A proposal could be forwarded to
29 the other region as Marilyn said.
30
31 MS. ROBINSON: We could defer these, if you want,
32 instead of delete? I don't know. I thought we
33 couldn't deal with these, ...
34
35 CHAIRMAN THOMAS: We're not dealing with
36 them.
37
38 MS. ROBINSON: ...that's why I recommended that
39 we delete them.
40
41 CHAIRMAN THOMAS: We're not dealing with anything
42 out of Region 1.
43
44 MS. GARZA: But I guess Lonnie's point is, we
45 support it and send it up to whoever handles Unit 6A
46 and B and say, "Gee, you guys really should support
47 these guys."
48
49 CHAIRMAN THOMAS: That's fine.
50
51 ~~MR. ANDERSON: Somebody back...~~

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1
2 MS. ROBINSON: Sandy's got something.
3
4 CHAIRMAN THOMAS: Sandy?
5
6 MR. RABINOWITCH: Just as a point to other
7 councils in some of the Interior portions of the state
8 where movement occurs on rivers and their situation are
9 analogous to this, that people in one regional council
10 area, perhaps use an area in another (indiscernible -
11 unclear) quite a ways up river. What I've seen occur
12 is that the particular issue will be brought before
13 both councils and then the goal, of course, is to see
14 if the councils can make the same recommendation, you
15 know, on that particular issue. So, you might want to
16 consider, in fact, dealing with it. And then
17 suggesting it be put on the agenda of the Southcentral
18 council, I guess.
19
20 MS. MASON: Yeah.
21
22 MR. RABINOWITCH: And then ask, you know, ask
23 them if you will, to weigh in on it also and if the
24 recommendations are the same then you have a two-
25 council recommendation to the board, which is a pretty
26 strong recommendation.
27
28 CHAIRMAN THOMAS: We can do that, probably, this
29 one time but I don't want the energy and disciplines of
30 this council to be expected to take up for where other
31 people leave off. See, this one time we will do that
32 because it's the first time it came up, it's crucial,
33 it's important, but that's where it's going to end.
34 We'll do it this one time. Yeah, that's a good point
35 and thank you very much. I have heard that at meetings
36 but a lot of them are all family, there's a little
37 closer association. So, under advisement we'll do that
38 (indiscernible - simultaneous speech).
39
40 MS. ROBINSON: I withdraw my motion.
41
42 MS. PHILLIPS: I concur.
43
44 MS. ROBINSON: I move that we adopt 129, 139,
45 135, 136, 137 and 138.
46
47 MS. GARZA: How about support? We can't adopt.
48
49 MS. ROBINSON: Or -- well, we still have to adopt
50 it. That's showing support, I would think. I don't
51 know. What should we do?

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1 MS. MASON: You've been adopting everything.
2
3
4 MR. KNAUER: By adopting it, that just means I
5 will create a proposal to go forward and it would then
6 be dealt with by each council.
7
8 MS. ROBINSON: Okay, all right, so we want to
9 adopt them.
10
11 MS. GARZA: But where will it go forward to?
12
13 MS. ROBINSON: I think the board.
14
15 MR. KNAUER: It will come forward -- it will come
16 back to this council. It will also go to the other
17 council for their consideration in the spring meeting.
18 And there will be analysis information with it that
19 would allow each council to come to some recommendation
20 to the Federal Subsistence Board.
21
22 CHAIRMAN THOMAS: But that input will include
23 that this is a one time deal.
24
25 MS. ROBINSON: Well, it's C&T, I mean, it better
26 be -- hopefully it's going to be one time.
27
28 CHAIRMAN THOMAS: With anything that happens up
29 there.
30
31 MS. ROBINSON: Right.
32
33 MR. CLARK: Mr. Chairman? Might it just be a
34 mistake that they're here in the first place?
35
36 CHAIRMAN THOMAS: Excuse me?
37
38 MR. CLARK: I was wondering if it's just a typo
39 that they're here in the first place, or is that...
40
41 MS. LE CORNU: No, that's their traditional use
42 area. That's where they go.
43
44 MS. ROBINSON: Right.
45
46 MR. CLARK: Why it was included.
47
48 MR. ANDERSON: This is C&T.
49
50 MS. ROBINSON: Because they're residents of this
51 un of this...

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1
2 MS. MASON: Mr. Chairman, it's not a mistake that
3 they're here, it's because these requests are dealing
4 with residents of Yakutat, that they are in here.
5 They're for residents of this region, but going to
6 another region to hunt.

7
8 MS. GARZA: Well, the line was just misdrawn.
9

10 CHAIRMAN THOMAS: Okay, your input -- is it to
11 salvage the motion or is it just for additional
12 information?
13

14 MR. CAPRA: It's just a point of information.
15 Jim Capra with the Park Service. They're -- the
16 traditional fishing grounds, late season for Coho
17 salmon and other late season activities, are up in Unit
18 6A for a lot of the Yakutat residents. Also, I wanted
19 to bring to your attention, there are some residents in
20 Unit 6A, which I don't know if you can recommend for,
21 but there are some permanent residents at Cape Suckling
22 and other scattered places along the coast.
23

24 MS. LE CORNU: Are they traditional users -- or
25 are they traditional...
26

27 MR. CAPRA: Cape Suckling I know for sure is.
28

29 MS. LE CORNU: Oh, that's another one.
30

31 MR. CAPRA: Yeah.
32

33 CHAIRMAN THOMAS: Okay, I think we ran out of
34 merit for the motion. Any further discussion?
35

36 MS. WILSON: Question.
37

38 CHAIRMAN THOMAS: The question been called. All
39 those in favor of adopting say aye.
40

41 ALL IN UNISON: Aye.
42

43 CHAIRMAN THOMAS: All those opposed, same sign.
44

45 (No opposing responses)
46

47 CHAIRMAN THOMAS: That motion is carried.
48 That took us to -- that brings us now to 145?
49

50 MS. WILSON: Yes.
51

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1 CHAIRMAN THOMAS: Okay. Thank you.
2
3 MS. MASON: Okay, now we get into the fish. And
4 this one is for the Haines fishing district. The
5 requested determination is for residents of Haines and
6 Klukwan to take Chilkoot Lakes Coho salmon. And the
7 existing determination is -- I guess this is the state
8 determination. Southeastern Alaska area District 15
9 salmon and smelt. Residents west of the Haines Highway
10 between Mile 20 and Mile 24 and east of the Chilkat
11 River but not elsewhere in Klukwan and those residents
12 of other areas of the city and borough of Haines,
13 excluding residents in the drainage of Excursion Inlet.
14 And there's no determination for Chilkoot Lake salmon.
15 And that came in in 1991.
16
17 CHAIRMAN THOMAS: The wish of the council?
18
19 MS. GARZA: So any recommendation from...
20
21 MS. WILSON: So this is traditional and customary
22 and cultural and everything...
23
24 CHAIRMAN THOMAS: Bill?
25
26 MS. WILSON: ...that's been used there.
27
28 MR. KNAUER: Mr. Chairman, in the call for
29 proposals they indicated that the Federal Subsistence
30 Board was not going to entertain, at this time, any
31 proposals for fish or shellfish. So, I would suggest
32 you defer, not strike, but defer...
33
34 CHAIRMAN THOMAS: Until we get into that...
35
36 MR. KNAUER: ...until that situation presents
37 itself where it would be appropriate to deal with it.
38 In other words, retain them on the books.
39
40 CHAIRMAN THOMAS: You heard the motion -- I mean,
41 you heard the suggestion for a motion.
42
43 MR. ANDERSON: Mr. Chairman, I would make a
44 motion to defer C145 to an appropriate time.
45
46 MS. WILSON: I second it.
47
48 CHAIRMAN THOMAS: The rest of them down to 144.
49
50 MR. ANDERSON: 144? All the way to 144.
51

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1 CHAIRMAN THOMAS: You heard the motion. Was
2 there a second?
3
4 MR. FELLER: Second.
5
6 CHAIRMAN THOMAS: Second. Discussion?
7 Probably, it's already debatable. We can't do anything
8 anyway.
9
10 MS. ROBINSON: Question.
11
12 CHAIRMAN THOMAS: All those in favor say aye.
13
14 ALL IN UNISON: Aye.
15
16 CHAIRMAN THOMAS: All those opposed?
17
18 (No opposing responses.)
19
20 CHAIRMAN THOMAS: And that brings us --
21 that passes. Lonnie?
22
23 MR. ANDERSON: Mr. Chairman, I'd like to
24 recognize Mr. Dewey Skan is now among our presence at
25 4:30.
26
27 CHAIRMAN THOMAS: Is this to be exercised under
28 the safety use determination for funeral/memorial
29 potlatch?
30
31 MR. ANDERSON: He's a customary and traditional
32 user.
33
34 CHAIRMAN THOMAS: This is the one we're looking
35 for, ladies and gentlemen. 143, Rachel.
36
37 MS. MASON: 40 -- Oh, okay, you skipped 144?
38
39 MR. ROBINSON: We deferred it.
40
41 MS. MASON: You deferred it. Okay. 143, the
42 requested determination is C&T use determination for
43 moose for funeral and memorial potlatch statewide. And
44 there is no existing determination in Subpart D, but in
45 Subpart A.6F3, the fish and wildlife is taken by
46 individuals or community representatives permitted a
47 one time or annual harvests for special purposes,
48 including ceremonies and potlatches. And that came in
49 in 1991.
50
51 CHAIRMAN THOMAS: One point of notice is that we

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1 can't determine a statewide C&T. Dolly?

2
3 MS. GARZA: I guess the question I would like to
4 ask whoever has the answer is, I understand that this
5 occurs for deer already? Did we do these -- this?

6
7 CHAIRMAN THOMAS: Mr. Knauer.

8
9 MR. KNAUER: This proposal really is a moot
10 proposal. The -- there is provision in the regulations
11 to provide for ceremonial take and therefore no C&T is
12 necessary. The board has provided for this.

13
14 CHAIRMAN THOMAS: Yeah, these have been -- these
15 have all been requested early in this process from
16 around the state and have been satisfied to the best of
17 my knowledge. Is that true?

18
19 MR. KNAUER: That's correct.

20
21 CHAIRMAN THOMAS: Dolly?

22
23 MS. GARZA: I'm really glad to hear that that
24 process does occur and perhaps that's all that's
25 needed, but what I would like to hear is that that is
26 somewhere in regulation or is somewhere in policy so
27 that at the whim of the change of administration or
28 something, that this process would not halt or cease to
29 happen.

30
31 MS. LE CORNU: There's even a religious act
32 protecting it.

33
34 CHAIRMAN THOMAS: Mr. Knauer?

35
36 MR. KNAUER: Mr. Chairman, in response to that,
37 in Section .6, Subparagraph F3, it provides, the fish
38 and wildlife taken by individuals or community
39 representatives permitted on one time or annual harvest
40 for special purposes including ceremonies and
41 potlatches. And then there are, in addition to that,
42 certain community regulations that do occur in Subpart
43 D where there is special community situations such as
44 Nuchalawoyya or the Stick Dance that provide for an
45 annual occurrence. So, where there is a standing
46 occasion, there has been provision made in regulation,
47 but there is also the general provision that allows the
48 granting of permits on a case by case basis. And that
49 has occurred with -- in the community of Kake and Sitka
50 for deer and so on. So, it is in regulation and it is
51 recognized.

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1
2 CHAIRMAN THOMAS: Ted.
3
4 MR. SCHENK: Mr. Chairman,...
5
6 CHAIRMAN THOMAS: Move to the table, please.
7
8 MR. SCHENK: Ted Schenk. I might point out
9 that...
10
11 CHAIRMAN THOMAS: Ah, ah, ah. I might point out
12 you better get to the table.
13
14 MR. SCHENK: Yes, sir, here I am. Dolly, it's
15 part of Unit 5, Subpart D regulations for potlatch
16 purposes for moose at Yakutat. Up to 10 per year
17 already. So we got the year -- council got that locked
18 in and we are executing...
19
20 MS. GARZA: But that's for Unit 5. What about
21 Wrangell/Petersburg area?
22
23 MR. SCHENK: They hadn't...
24
25 MR. ANDERSON: There was no request from that
26 area.
27
28 MR. SCHENK: If they would so request or make a
29 proposal it would get into the -- and there's the one
30 that Mr. Knauer pointed out, too. That process. So
31 it's -- there's more than one way to accomplish it.
32
33 CHAIRMAN THOMAS: Thank you.
34
35 MR. SKAN: Mr. Chairman?
36
37 CHAIRMAN THOMAS: Dewey.
38
39 MR. SKAN: Yeah, I'm glad to hear that this is
40 evolving because three or four years ago we were at a
41 forum such as this, in Anchorage I believe, and a bunch
42 of us related to the state Fish and Game officials that
43 this vehicle needs to be in place and implemented
44 because our people don't pass away in season -- in the
45 moose season or the fish season so, when it happens, it
46 happens and it's sad but, you know, they've got to have
47 their culture, you know, addressed and acknowledged at
48 that time. So I'm glad to see this has evolved.
49
50 CHAIRMAN THOMAS: Vicki.
51

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SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
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1 MS. LE CORNU: I guess I'm kind of offended by
2 the term of permit that -- I think I discussed this
3 with Fred -- we're not talking about permitting. We're
4 talking about reporting. So what the effect of a
5 permit is to do is cast a chilling effect on anybody.
6 And I don't like the term -- making people get a permit
7 for a ceremonial purpose for any reason.

8
9 CHAIRMAN THOMAS: Dale.

10
11 MR. KANEN: Yes, Mr. Chair, I think sometimes
12 these permits for ceremonial purposes are for
13 harvesting outside of the season. So, in -- the permit
14 actually is a real good crossing permit to have in your
15 pocket if the brown shirts stop you on the state side,
16 so...

17
18 MS. LE CORNU: Well, I guess I'm ready for that.
19 That's what I'm saying and I hope everybody's ready to
20 defend the ceremonial purpose that doesn't always --
21 isn't ready to apply for a permit but they could do it
22 tomorrow if they wanted. I don't want to wait for a
23 permit from anybody to do a potlatch for my grandma.

24
25 CHAIRMAN THOMAS: You don't have to wait.

26
27 MS. LE CORNU: I'm not going to.

28
29 CHAIRMAN THOMAS: Okay.

30
31 MS. ROBINSON: I move that we delete 143.

32
33 MS. GARZA: Second.

34
35 CHAIRMAN THOMAS: It's moved and seconded, delete
36 143.

37
38 MS. ROBINSON: Question.

39
40 CHAIRMAN THOMAS: The question's been called.
41 All those in favor say aye.

42
43 ALL IN UNISON: Aye.

44
45 CHAIRMAN THOMAS: Those opposed same sign.

46
47 (No opposing responses.)

48
49 CHAIRMAN THOMAS: The motion carries.

50
51 ~~MS. ROBINSON: I have a question. I can't~~

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1 remember what we did on a particular one of these --
2 number 82. The one -- the black bear. Page 3, top of
3 the page. I didn't have anything written down and I...
4
5 MS. GARZA: We tabled.
6
7 MS. ROBINSON: That's what I was wondering. It
8 seems like we tabled something and I can't remember
9 which one.
10
11 MS. MASON: Yeah, I wrote "skip" on it.
12
13 MS. ROBINSON: Skip?
14
15 MR. CLARK: Table was the motion.
16
17 MS. WILSON: You mean number 82?
18
19 MS. ROBINSON: Yeah, number 82.
20
21 MS. WILSON: We tabled it.
22
23 CHAIRMAN THOMAS: That was the table. Mr.
24 Knauer?
25
26 MR. KNAUER: Yes, please. A point of
27 clarification while we're talking about these -- there
28 were a few of these back here on -- like black bear
29 where in this case you used the term "table" and in a
30 couple of others with black bear you used the term
31 "strike." And in those cases, is it your intention
32 to...
33
34 CHAIRMAN THOMAS: The word strike to delete.
35
36 MR. KNAUER: But on those with the black bear,
37 was it to delete? And was that the same meaning you
38 had for table or was it...
39
40 MS. ROBINSON: No.
41
42 CHAIRMAN THOMAS: No.
43
44 MS. ROBINSON: No, that was...
45
46 CHAIRMAN THOMAS: Striking -- strike and delete
47 are synonymous.
48
49 MR. KNAUER: Okay, thank you.
50
51 ~~MS. ROBINSON: Wow, we made it through.~~

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1
2 CHAIRMAN THOMAS: Okay now, I'd like to go over
3 these again with a little more deliberation.
4 (Laughter)

5
6 MS. ROBINSON: Somebody get the noose.

7
8 MR. SKAN: Delete. Delete the Chairman.

9
10 MR. ANDERSON: That's impossible. We put him
11 back in.

12
13 CHAIRMAN THOMAS: That brings us to a pretty
14 short list left on my agenda. We've had election of
15 officers. We have decided on a location of our next
16 meeting,...

17
18 MS. WILSON: Did we vote on that?

19
20 CHAIRMAN THOMAS: Yeah.

21
22 MS. ROBINSON: We didn't ever talk about the
23 dates though, for that Wrangell meeting. We got our
24 ferry schedule.

25
26 MS. GARZA: First, second, third.

27
28 MR. SKAN: During the SeaAlaska meeting, Mr.
29 Chairman. (Laughter)

30
31 MR. ANDERSON: I think -- I think with the
32 SeaAlaska meeting being in Wrangell, we probably should
33 reconsider that one.

34
35 MS. GARZA: That's right, back to Sitka.

36
37 MR. FELLER: Or we could have -- we could have it
38 during the tent city days.

39
40 MS. GARZA: When is that?

41
42 MR. FELLER: That's the first -- end of February.

43
44 CHAIRMAN THOMAS: Okay, we're at a point now of
45 public comment. I like to allow for as much public
46 participation as time will allow for at any meeting.
47 And the public is those that aren't representing an
48 agency or a council. Mim?

49
50 MS. ROBINSON: We forgot Mary's resolution.
51

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1 CHAIRMAN THOMAS: No we didn't, I...
2
3 MS. ROBINSON: We haven't dealt with it yet, have
4 we?
5
6 CHAIRMAN THOMAS: ...was going to after I made my
7 comments.
8
9 MS. ROBINSON: I thought it was supposed to come
10 before public comment? I have it listed as F.
11
12 CHAIRMAN THOMAS: It is, but I'm going to have it
13 after I made those comments. (Laughter) Fooled
14 you, huh?
15
16 MS. ROBINSON: You just forgot. (Laughter)
17
18 CHAIRMAN THOMAS: You guys sure made me look bad
19 today. Where's Rachel?
20
21 MS. MASON: Right here.
22
23 CHAIRMAN THOMAS: Would you read Mary's
24 resolution so we can all hear it -- do you have a lot
25 of copies, Mary?
26
27 MS. RUDOLPH: I think I have three, I'm not too
28 sure.
29
30 MR. CLARK: I can make some more copies for you.
31
32 MS. MASON: You wanted me to read that?
33
34 CHAIRMAN THOMAS: Let's take a two-minute break
35 and it'll allow for copies to be made. We'll deal with
36 the resolution.
37
38 (Off record - 4:43 p.m.)
39 (On record - 4:49 p.m.)
40
41 CHAIRMAN THOMAS: Okay, this resolution from
42 Hoonah -- without -- the resolution is showing some
43 activity or concerns that are going on in Hoonah. What
44 they're asking us to do, it says, "Now therefore be it
45 resolved that the Board of Directors of Hoonah Indian
46 Association respectfully ask for the support of the
47 delegates of the Federal Advisory Council in the
48 protection of Hoonah traditional and customary usage
49 area." Okay, well, that's fine. It's not really a
50 complete resolution.
51

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1 You guys are going to get a crash course on
 2 resolutions now. If I supported -- I mean, if I
 3 submitted this resolution, I would have had that
 4 resolved clause there. My "Be it Further Resolved
 5 would have suggested how we would indicate that
 6 support. I think, with the permission of the council,
 7 what we could do is vote on here -- if we agree to
 8 endorse this resolution, to go ahead and do that and I
 9 will forward a letter from the office of the chair to
 10 the Indian Association of Hoonah. As -- that will then
 11 satisfy their request from us. If we do that, they
 12 will have people that they want -- they can say, "Look,
 13 we got the Federal Subsistence Advisory Council to
 14 endorse this." So they could duplicate those copies
 15 and use them wherever they want to. Put them wherever
 16 they want to.

17
 18 MS. ROBINSON: So, Bill, what was it that you
 19 were suggesting that we do exactly with those?

20
 21 CHAIRMAN THOMAS: If you don't have any problem
 22 with saying, "yeah, I think the council should"...

23
 24 MS. ROBINSON: A concept or something or...

25
 26 CHAIRMAN THOMAS: ..."support their request,"
 27 then I'll just write a note saying that this council,
 28 in fact, endorses the intent of this resolution.

29
 30 MS. ROBINSON: Okay, I see.

31
 32 MR. ANDERSON: So moved, Mr. Chairman.

33
 34 CHAIRMAN THOMAS: You hear the motion. Is there
 35 a second?

36
 37 MS. ROBINSON: Second.

38
 39 CHAIRMAN THOMAS: Moved and seconded.
 40 Discussion?

41
 42 MR. SKAN: Yeah, Mr. Chairman, I kind of have a
 43 problem with, you know -- I don't have a problem with
 44 the Hoonah people in their searching for the customary
 45 and traditional, you know, lifestyle, but I'm not too
 46 clear, Mary, on what lands you're talking about. I
 47 don't know, like, frankly, writing them and coming to
 48 different forums and talking about land that's already
 49 given to Hoonah -- Hoonah Totem Corporation, you know,
 50 stuff like that. So, if you could clarify what lands
 51 you're talking about. I don't know, maybe you're

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1 talking about Glacier Bay, which, you know, is still in
2 question.

3
4 MS. RUDOLPH: When this was written up, it was
5 written up for -- with our concerns on Eight Fathom
6 Bight. One of the things that we've been doing under
7 NAGPRA is looking at our traditional usage area, our
8 burial site, our camping sites, and our different
9 places there but we haven't had time to do it. But
10 right now they're moving fast on Eight Fathom Bight, so
11 we're trying to slow things down so that we can start
12 addressing and taking care of the things we're supposed
13 to be taking care of. And this is mostly what it
14 entails, I think. What -- I'm sorry about -- this was
15 something I'd asked the board to move on before --
16 about a month -- I think about, maybe, three weeks --
17 three weeks ago, I think, Fred called me and told me
18 that I may be on the board but they were going to treat
19 me as such. So, I didn't want to jump the gun and say
20 I was on the board and then find out I wasn't. So it
21 was almost down to the last couple days before I left
22 that I finally found out that I was going to be coming
23 down to Craig. So I went in and talked to the board
24 and asked them to -- by phone, took a poll. So this is
25 a rough draft of what we would normally have put
26 together. So I apologize for this. But because of my
27 -- I heard the concerns the other day about how the new
28 boards were being elected and it is, kind of, really,
29 still, I think because of the new committee and
30 everything, it's a long process. I had put in my name
31 and found out there was a good possibility I may get on
32 but I didn't find out -- I just got the letter from
33 Babbitt while I'm down here, confirming my position on
34 here. So it -- the concerns you have are probably
35 something that could be brought to light where this
36 could be addressed after (ph).

37
38 CHAIRMAN THOMAS: So what you're saying then, if
39 we do endorse this, it'll go back and probably be
40 redone?

41
42 MS. RUDOLPH: Right.

43
44 CHAIRMAN THOMAS: Then I would suggest that we
45 hold off on any action from here, not knowing what
46 language is going to appear on here.

47
48 MS. RUDOLPH: Well, if it's so -- if it's
49 suggested by the board, you know, if there's any
50 problem with it, you know, to redo it, I don't think
51 there'd be any problem with the board right now. It's

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1 something we need to act on and we need to...
2
3 CHAIRMAN THOMAS: Right. I think we're ready to
4 act on it. I don't know if you folks are ready to act
5 on it. The reason I say that is, I've been at another
6 forum when this same resolution or the intent was
7 brought forward and it really didn't get much support.
8 But that was looking for tribal support and I don't
9 remember what the reasons were. This here is not
10 necessarily tribal support but it wouldn't be wise for
11 us to endorse something that's going to change and wind
12 up -- we don't know what the outcome. If it doesn't
13 resemble this and our endorsement goes forward, that'll
14 be nothing short of embarrassing for us.
15
16 MS. RUDOLPH: Well, I wouldn't -- I wouldn't want
17 -- I wouldn't say that it would be changed but it was
18 would be changed with your suggestions. I wouldn't say
19 we would change it to the...
20
21 CHAIRMAN THOMAS: Oh, oh, oh. You'd...
22
23 MS. RUDOLPH: ...I would say, you know, if you
24 have any ideas...
25
26 CHAIRMAN THOMAS: You'd like us to bolster it
27 then?
28
29 MS. RUDOLPH: Uh-huh (affirmative).
30
31 CHAIRMAN THOMAS: Oh, okay.
32
33 MR. SKAN: That's why he's the chairman.
34
35 CHAIRMAN THOMAS: Okay, now -- now there's some
36 good questions asked. Dewey said, "I don't know what
37 land you're talking about." We need to insert in here,
38 the area of Eight Fathom Bight?
39
40 MS. RUDOLPH: Yeah.
41
42 MR. ANDERSON: Traditional burial sites.
43
44 CHAIRMAN THOMAS: Is somebody taking -- somebody
45 doing some scratch -- I'm illiterate so I can't do
46 that, so...
47
48 MR. SKAN: That's why he's the chairman.
49
50 MR. ANDERSON: Mary -- or Mr. Chairman.
51

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1 CHAIRMAN THOMAS: I'm not Mary.
2
3 MR. SKAN: Mary Mr. Chairman. I just -- when
4 we've been in dialogue with the Forest Service, you
5 know, for two and a half years over the shore over
6 there called Eleven Mile, that I spoke to yesterday.
7 We spoke of ancestral homes, totem poles, burial sites,
8 hunting and fishing and gathering, the rivers that are
9 there. You know, so that's, you know, some of the
10 things that we've inserted in our letters and
11 resolutions so that's on file. You know, try to not
12 leave any stones unturned. Ultimately, it's their call
13 and the guy said yesterday, "Regardless of what,
14 they're still going to log it." So, at least we have
15 our concerns on file.
16
17 CHAIRMAN THOMAS: Okay, we need to have another
18 whereas that says, because. It says here, "Whereas the
19 customary and traditional uses of resources are
20 necessary for the survival of the Huna Tlingit
21 culture." We need to have another whereas saying that
22 if we don't have a -- if we don't protect the habitat
23 or ecosystems, that there will -- you know, there's no
24 way that the other resources will stand a chance.
25
26 MS. ROBINSON: Well, then the next whereas deals
27 with that.
28
29 CHAIRMAN THOMAS: Does it?
30
31 MS. PHILLIPS: Mr. Chair?
32
33 MS. ROBINSON: I think so.
34
35 CHAIRMAN THOMAS: Patty.
36
37 MS. PHILLIPS: Earlier I -- yesterday I requested
38 that a resolution be done in support of TTRA and I'm
39 wondering if we could just lump that in with this
40 resolution where we're going to be supporting this one.
41 And I'm not -- and the part that I'm suggesting would
42 be support of the TTRA and the continued protection of
43 LUD Two roadless areas because there's a significant
44 amount of LUD Two area within the Hoonah -- Hoonah
45 usage area. And then to go to say, whereas LUD Two
46 roadless areas protect the ecosystem's biological
47 diversity and nondegrading economic uses such as
48 fishing, hunting, gathering, tourism which support the
49 regional economy.
50
51 CHAIRMAN THOMAS: Mim.

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1
2 MS. RUDOLPH: So you would be putting that as a
3 part of the Hoonah resolution or would you want to
4 create an entirely separate resolution?
5

6 MS. PHILLIPS: Well, if they were to submit it
7 into their resolution and we're going to be supporting
8 that...
9

10 MS. ROBINSON: Uh-huh (affirmative). But that's
11 just for the Hoonah area.
12

13 CHAIRMAN THOMAS: Right.
14

15 MS. ROBINSON: Is that what you want to limit it
16 to?
17

18 CHAIRMAN THOMAS: Yeah, no, we better stay with
19 two resolutions.
20

21 MS. ROBINSON: I think so, too.
22

23 MS. PHILLIPS: Oh.
24

25 CHAIRMAN THOMAS: Yeah. But you're right, the
26 same language we're using would fit here, but it
27 doesn't fit so well that we want to use it for...
28

29 MS. PHILLIPS: I see.
30

31 CHAIRMAN THOMAS: ...for the whole -- the whole
32 nine yards. Mim?
33

34 MS. ROBINSON: I would suggest that we work on a
35 resolution that would -- from what Patty has there for
36 a separate resolution and for...
37

38 CHAIRMAN THOMAS: We will do that.
39

40 MS. ROBINSON: ...for Mary's resolution, the
41 Hoonah one, I was thinking that we could add on the
42 last whereas...
43

44 CHAIRMAN THOMAS: Uh-huh (affirmative).
45

46 MS. ROBINSON: ...where it says -- it ends "in
47 the Huna traditional and customary usage area," I
48 would add an "S" on areas -- area and then of Eight
49 Fathom Bight and traditional burial sites to make it
50 more specific. It would be the last whereas. "Usage
51 areas of Eight Fathom Bight and traditional burial

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1 sites." Now, I have absolutely no idea whether that's
2 what you're after there or not but that's a suggestion
3 of where you could put something like that. I -- after
4 seconding this motion, I looked a little bit closer and
5 studied this a little more and realized that it's a
6 little too broad and general for me. And so I would
7 definitely need to tighten it up a little bit.
8 Otherwise I would probably withdraw my second.
9
10 MS. RUDOLPH: Is there a motion on the floor?
11
12 MS. ROBINSON: Yeah.
13
14 CHAIRMAN THOMAS: Yeah.
15
16 MS. ROBINSON: That's what I was just saying, I
17 had seconded it.
18
19 CHAIRMAN THOMAS: Okay, okay, another -- be it
20 further resolved before the last one should say, "Be it
21 further resolved that the endorsement -- the signed
22 endorsement of the advisory council will be the
23 requested support -- will indicate the requested
24 support.
25
26 MS. ROBINSON: Will indicate support for this...
27
28 CHAIRMAN THOMAS: Oh, no, okay.
29
30 MS. ROBINSON: See, this is kind...
31
32 CHAIRMAN THOMAS: Okay, it says, be it further
33 resolved -- no, no, wait a minute -- be it further
34 resolved that the associated -- they respectfully ask
35 for support of the delegates of the Federal Advisory
36 Council in protection of the Huna traditional and
37 customary usage area.
38
39 MS. ROBINSON: This is still coming from Hoonah,
40 right?
41
42 CHAIRMAN THOMAS: Right. Okay, rather than...
43
44 MS. PHILLIPS: Has the endorsement of...
45
46 CHAIRMAN THOMAS: Okay, the copies of this
47 resolution will be sent to the Alaska Delegation --
48 okay, it tells you where to send it.
49
50 MS. ROBINSON: I'm a little -- Mr. Chairman. I'm
51 a little puzzled about what you're trying to do here.

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1 Are you trying to -- are you feeling you're not
2 satisfied...
3
4 CHAIRMAN THOMAS: You got to give me time to deal
5 with your first puzzle. The thing they want to do is
6 to strengthen this. A resolution -- a resolution
7 generally depicts something historical. And then it
8 identifies something at present. And then it leads up
9 to what -- what would fix it. And then, when it gets
10 down to here, then...
11
12 MS. ROBINSON: Who it goes to.
13
14 CHAIRMAN THOMAS: ...I was -- I was hyper-
15 ventilating for no reason because my concern is
16 satisfied down here. Because when we endorse, then
17 they want us to send our endorsement to these people
18 here to indicate to them that we, in fact, endorse the
19 intent of this resolution. Dolly?
20
21 MS. GARZA: Mr. Chairman, I would move that we
22 table the motion to support this resolution because the
23 changes that need to be made to it cannot be made by
24 this body.
25
26 MS. ROBINSON: Uh-huh (affirmative). Sounds
27 good. Second.
28
29 CHAIRMAN THOMAS: However -- okay, let's go ahead
30 and deal with the motion. Motion, second. Discussion?
31
32 UNIDENTIFIED: Question.
33
34 CHAIRMAN THOMAS: The question's been called.
35 All those in favor say aye.
36
37 ALL IN UNISON: Aye.
38
39 CHAIRMAN THOMAS: Opposed, same sign.
40
41 (No opposing responses.)
42
43 CHAIRMAN THOMAS: The motion carries. However, I
44 think that what we can do and still be of some
45 encouragement to the community of Hoonah is to take the
46 notes that we had here, give them to Mary, and let them
47 consider them and find a place that they would like to
48 use those in their restructure of the resolution. Will
49 that work?
50
51 ~~MS. RUDOLPH: That'd be fine.~~

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1
2 CHAIRMAN THOMAS: Okay. Mim?
3
4 MS. ROBINSON: Mary, did you get written down my
5 suggestion to add on this -- of Eight Fathom Bight and
6 traditional burial sites?
7
8 MS. RUDOLPH: No, I didn't.
9
10 MS. ROBINSON: Okay, I can give this to you.
11
12 MS. PHILLIPS: What about this one? Has the
13 endorsement of our council and will indicate the
14 request of this court.
15
16 CHAIRMAN THOMAS: I was wrong with that -- I was
17 -- I didn't finish reading that. I was wrong.
18
19 MS. RUDOLPH: Patty, I think on your side, that's
20 one of the things we're dealing with is LUD Two also.
21 That's part of...
22
23 CHAIRMAN THOMAS: Lonnie.
24
25 MR. ANDERSON: I need some clarification. Where
26 are we?
27
28 CHAIRMAN THOMAS: We're in Craig, Alaska.
29
30 MS. ROBINSON: What happened to the -- when we
31 tabled it, that took care of the motion that was
32 already on the floor, right?
33
34 CHAIRMAN THOMAS: When we table it, that says
35 we're not going to deal with it until another time.
36
37 MS. ROBINSON: Yeah, because we had a motion on
38 the floor already? So that's just...
39
40 MS. GARZA: My motion wasn't tabled...
41
42 MS. ROBINSON: So when we pull it up from the
43 table, that's...
44
45 CHAIRMAN THOMAS: A motion on the table
46 supersedes...
47
48 MS. ROBINSON: ...when our motion is back on the
49 table again.
50
51 ~~MR. ANDERSON: Nondebateable.~~

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1
2 CHAIRMAN THOMAS: Nondebateable.
3
4 MR. ANDERSON: Okay. I just wanted a
5 clarification.
6
7 CHAIRMAN THOMAS: So stop the debate.
8 (Laughter)
9
10 MR. ANDERSON: Back to public comments.
11
12 MR. SKAN: Let me tell you about Bill.
13 (Laughter)
14
15 CHAIRMAN THOMAS: Okay, before we get into public
16 comment, Mim and Dolly, in their organized manner, has
17 some ideas for us to consider and I think they're good
18 ones. There's some work they want to do that doesn't
19 take us into the evening that's going to incorporate
20 just a few minutes, huh?
21
22 MS. ROBINSON: Well, probably a little more than
23 that. Are you talking about the letter?
24
25 CHAIRMAN THOMAS: Yeah.
26
27 MS. ROBINSON: I would prefer to work on the
28 letter tomorrow morning when I'm fresh.
29
30 CHAIRMAN THOMAS: Yeah. So when we leave here
31 tonight, there's no coming back to any kind of
32 committee meeting.
33
34 MS. ROBINSON: Tonight, no.
35
36 CHAIRMAN THOMAS: I hear there's social activity
37 going on later with that, Dolly?
38
39 MS. GARZA: I guess there was a discussion that
40 we could go ahead and adjourn now. And our comment --
41 even though some of you may be mad -- is that we come
42 back tomorrow morning and do the final changes to this
43 letter so that we can get it out and in addition, come
44 up with some ideas of what needs to go in the annual
45 meeting -- or the annual report. So we would spend a
46 little time with Fred trying to figure out what we want
47 to go in, how it should go in and who should do it.
48 It's possible that we could do both tonight but...
49
50 MS. ROBINSON: Why bother if we've got the
51 morning anyway. We don't have to be here early, early,

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1 right?
2
3 MR. ANDERSON: 7:30.
4
5 MR. FELLER: 7:45. (Laughter)
6
7 MS. ROBINSON: Also, Patty's resolution could be
8 looked at tomorrow morning.
9
10 MS. RUDOLPH: The LUD Two one?
11
12 MS. ROBINSON: And what?
13
14 MS. RUDOLPH: The LUD -- about the LUD Two lands?
15
16 MS. ROBINSON: Yeah. What time is the -- what's
17 the earliest time that people are going to start
18 leaving tomorrow?
19
20 MS. GARZA: 2:00.
21
22 MS. ROBINSON: No one's leaving before 2:00?
23
24 MR. CLARK: 1:30.
25
26 MS. ROBINSON: Who are you pointing at?
27
28 MR. NEWHOUSE: Mr. Chairman, one thing that we're
29 going to have to pay close attention to tomorrow is
30 weathers. There's a ferry that departs...
31
32 MS. GARZA: There's no ferry.
33
34 CHAIRMAN THOMAS: There's no ferry until the 3rd.
35
36 CHAIRMAN THOMAS: There's no ferry.
37
38 UNIDENTIFIED: Welcome to the island.
39 (Laughter)
40
41
42 MR. SKAN: You got to get up early. When the
43 weather's calm if you want to leave.
44
45 MR. NEWHOUSE: When did they do that? Because I
46 just have the September schedule and it's...
47
48 MS. LE CORNU: September 2nd, it changed.
49
50 MR. SKAN: All the tourists are gone, Hank, so
51 now, it's back to....

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1
2 CHAIRMAN THOMAS: The 26th of September it's no
3 good anymore.

4
5 MR. KANEN: Next Tuesday is the -- I believe the
6 next chance to escape by sea.

7
8 MR. ANDERSON: Right.

9
10 CHAIRMAN THOMAS: How about -- how about Kanen's
11 Fisheries Incorporated. Could that get us over there?

12
13 MR. KANEN: A 22 foot naval support?
14 (Laughter)

15
16 MS. GARZA: Mr. Chairman?

17
18 CHAIRMAN THOMAS: Dolly.

19
20 MR. GARZA: I would suggest that we aim to meet
21 tomorrow from 9:00 to 11:00. And then if the weather
22 is bad we can get Tacquan to meet in Hollis and fly
23 from there.

24
25 MS. LE CORNU: 9 o'clock at the city council.

26
27 CHAIRMAN THOMAS: 9 o'clock at the city council?

28
29 MS. GARZA: And two hours would be plenty of
30 time?

31
32 MS. ROBINSON: Let's hope so. One thing I would
33 suggest is that anyone who was at that committee
34 meeting last night, take another look at that letter
35 tonight and try and figure out any revisions you would
36 like to make on it tonight, if you can, so that it
37 would go faster tomorrow morning. Ideas are already
38 written down and changes made. We can talk about what
39 changes you recommend.

40
41 CHAIRMAN THOMAS: Patty?

42
43 MS. PHILLIPS: Could we start at 8:30 again
44 because it -- I mean, we'll say 9:00 but it'll be 9:30
45 by the time we get started.

46
47 MS. ROBINSON: You come at 8:30, we'll come at
48 9:00.

49
50 CHAIRMAN THOMAS: What time did the gavel drop
51 this morning?

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1 MS. GARZA: We were prompt.
2
3
4 CHAIRMAN THOMAS: 8:30.
5
6 MS. ROBINSON: It was pretty prompt this morning.
7
8 CHAIRMAN THOMAS: 8:30. Yesterday it dropped at
9 10:00 a.m. If we set it for 9 o'clock, it's going to
10 drop at 9:00.
11
12 MS. GARZA: Be prompt.
13
14 CHAIRMAN THOMAS: Don't negatively characterize
15 the chairman.
16
17 MS. PHILLIPS: Well, I'm afraid we're going to go
18 on longer than we anticipate.
19
20 MR. ANDERSON: Well, I got all my city business
21 before I came to this today, so...
22
23 MR. SKAN: Mr. Chairman.
24
25 CHAIRMAN THOMAS: Dewey.
26
27 MR. SKAN: I won't be here tomorrow. We're
28 having our annual Klawock Heenya Corporation meeting
29 tomorrow so I'm not going to be here.
30
31 CHAIRMAN THOMAS: Would you like campaign
32 contributions?
33
34 MR. SKAN: No. Oh, yeah. Caucus -- I got a
35 caucus of my constituents tonight.
36
37 MR. CLARK: Mr. Chairman?
38
39 CHAIRMAN THOMAS: Fred.
40
41 MR. SKAN: But I still have the floor and I'd
42 like to ask Fred a question or Bill there. I've been
43 to one other meeting last fall and I went 100 bucks in
44 the hole and I'm still trying to figure out how the
45 hell I went in the hole when I'm serving the federal
46 government. And then I'm traveling six miles from my
47 home town to here and I bought some of my friends lunch
48 yesterday, now -- so I'm now 40 bucks more in the hole.
49 So what's the deal on this? If they're in your area
50 then you don't get any stipend?
51

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1 MR. CLARK: I believe that's the case. Is that
2 true, Bill?

3
4 MR. KNAUER: Yes, if you're in your own community
5 or -- and there's a radius, I think, of about 50 miles.
6 Within 50 miles, then according to federal regulations
7 -- it's not Fish and Wildlife, it's total government --
8 you're not eligible for per diem.

9
10 MR. SKAN: Well how come Senator Packwood got all
11 this retirement money when he's doing wrong and I'm
12 trying to do good.

13
14 MR. KNAUER: But as far as the other -- if you
15 will talk to Jan Collins at our office on the 800
16 number, she'll work with you on the other.

17
18 UNIDENTIFIED: He's used to 900 numbers.
19 (Laughter)

20
21 MR. SKAN: Yeah, I was wondering who was in the
22 next booth. (Laughter)

23
24 MS. GARZA: Move to recess until 9:00 tomorrow.

25
26 CHAIRMAN THOMAS: Hold it, hold it. The
27 coordinator has a word. Fred.

28
29 MR. CLARK: I just wanted to let you know that I
30 thought that there was going to be some entertainment
31 tonight -- traditional dancing and stuff -- but it
32 looks like that's fallen through.

33
34 MR. SKAN: Follow the chairman.

35
36 MR. CLARK: They're pretty good entertainment.
37 Also, I wanted to let you know, that it looks like we
38 probably won't need it, but in the event that the
39 church -- I mean the city council chambers turn out to
40 be too small, too confined -- I've arranged for the...

41
42 CHAIRMAN THOMAS: Sunnerhae?

43
44 MR. CLARK: The meeting room at the Sunnerhae to
45 be available should we need it.

46
47 MS. GARZA: The chambers are small.

48
49 CHAIRMAN THOMAS: Let's meet at Sunnerhae
50 tomorrow.

51
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1 MS. ROBINSON: Can we meet at the Sunnerhae...
2
3 MS. GARZA: It's much nicer.
4
5 MS. ROBINSON: ...and just do it at the Sunnerhae
6 instead of the council chambers.
7
8 (Off record - 5:15 p.m.)
9
10 (3257)
11
12 *****CONTINUED*****
13
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